Saskatchewan Children's Advocate

2002 Annual Report

The Saskatchewan Children's Advocate Office

Advocating with children, youth and their natural advocates to ensure that the interests and well-being of children and youth are respected and valued.

The Saskatchewan Children's Advocate Office

Children's Advocate

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SASKATCHEWAN

April 2003

The Honourable P. Myron Kowalsky
Speaker of the Legislative Assembly
Legislative Building
Province of Saskatchewan
Regina, Saskatchewan

Dear Mr. Speaker:

In accordance with *The Ombudsman and Children's Advocate Act*, it is my privilege to submit to you and to the Members of the Legislative Assembly my eighth Annual Report as Children's Advocate.

Respectfully,

D Parker-Loewen

Deborah Parker-Loewen, Ph.D.
Children's Advocate

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Children's ADVOCATE
Office

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The Children's Advocate is an independent officer of the Legislative Assembly of Saskatchewan and acts pursuant to *The Ombudsman and Children's Advocate Act.*

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Executive Summary

This Annual Report provides an overview of the work undertaken by the Children's Advocate Office (CAO) in 2002. In addition, this report highlights a number of issues that impact on Saskatchewan children.

Public Education

In the spring of 2002, the CAO conducted a qualitative needs assessment to determine the communication needs of our target audiences. Attention was given to communication with children and youth in care, youth in young offender facilities, youth at risk and the general youth population, as well as adults who work with children/youth, including foster parents and adult professionals.

In December 2002, the CAO launched a new website, **www.saskcao.ca**, to provide quick and easy access to information about programs and services available from the CAO. The web site is divided into two distinct sides – one designed to appeal to children and youth and the other to a general audience.

Staff responded to numerous requests for information and completed approximately 96 presentations about the role of the CAO and issues relating to the well-being of children. A major highlight for the year included the participation of the Saskatchewan Children's Advocate in the United Nations Special Session on Children in New York in May 2002.

Individual and Group Advocacy

The number of requests for service that the CAO responded to levelled-off during 2002. Over the past year, the CAO received 1053 new requests for service. As in previous years, the majority of concerns raised with the CAO focused on the Department of Social Services (DSS), totalling 48 percent of all calls. However, the creation of the Department of Corrections and Public Safety (CPS) on April 1, 2002, resulted in a decrease in the percentage of calls concerning the DSS.

Services for young offenders are now the responsibility of CPS. Parents continue to be the largest contact group, representing 43 percent of all calls. Calls from children/youth represented 26 percent of the total requests for service in 2002.

Systemic Advocacy

The CAO actively identifies specific systemic issues impacting on children and youth. An update on eight issues previously identified in the 2001 Annual Report is provided in this report. Information on a new issue, standards of care in residential family services and ICFS facilities, that was identified in 2002 has also been included. The issues include:

- Standards of care in residential custody facilities;
- Treatment of youth held in RCMP cells and/or waiting to be transported;
- Supervision of youth in provincial court cells;
- Educational experiences of youth in custody facilities;
- Access to mental health services;
- Services for children with disabilities;
- Dispute resolution in the school environment;
- Safeguards for children and youth in foster and group home care; and
- Standards of care in residential family services and ICFS facilities.

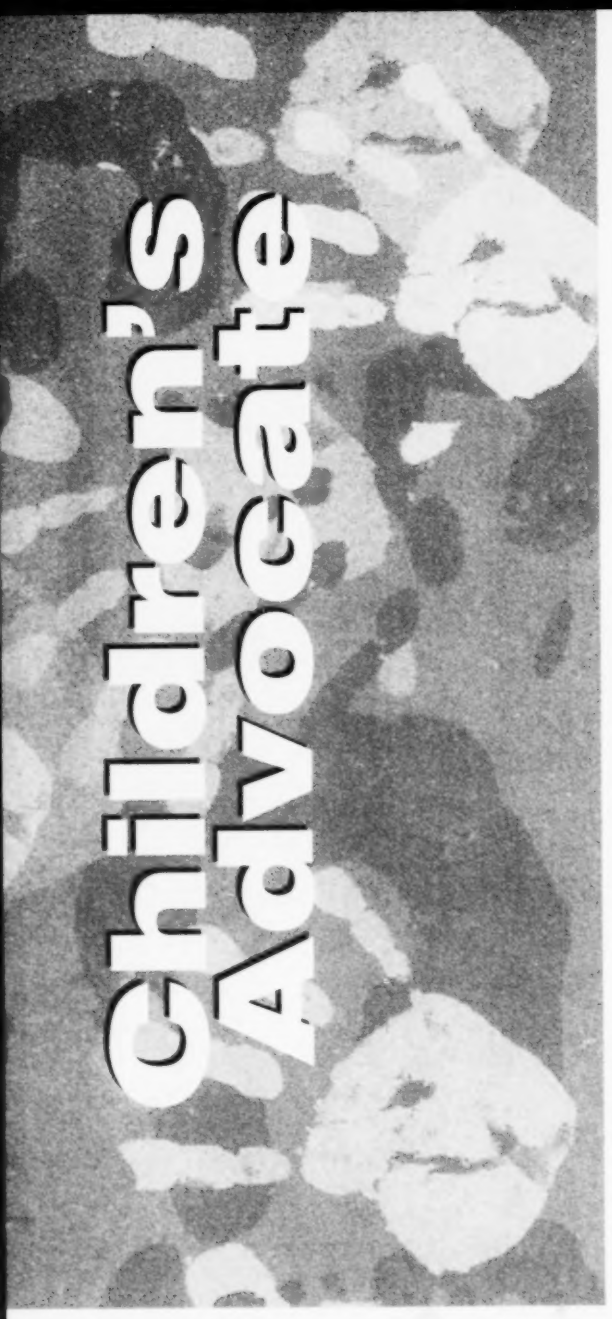
On April 1, 2003, the new *Youth Criminal Justice Act* (YCJA) will come into force in Canada. This new federal Act will challenge our resources and service providers. The Act includes provisions that involve new administrative decisions that may be subject to review or investigation by the CAO. How the provisions of the YCJA are implemented and interpreted when the Act is proclaimed will set the course for the future. The Act gives an opportunity to reduce the use of custody and also increases the risks that custody will be used when either the young person or the system fail to keep their part of the deal. We need to find ways to use the provisions of this new Act to improve how the justice system, in a community context, will better serve the youth of Saskatchewan.

In spite of the best efforts of the child welfare system, the numbers of children coming into foster and other out of home care is increasing across Canada and in Saskatchewan. As of March 31, 2002 there were 3303 children in care of the Minister of Social Services under *The Child and Family Services Act* and a further 1042 children in care of the Minister and receiving services from Indian Child and Family Services agencies (Indian and Northern Affairs, 2003). The need for quality care for those children who are "in care" is clearly recognized and needs to be fully realized.

Community Advocacy

The CAO has identified several issues, which we have defined as community advocacy. The CAO is committed to staying informed on these matters and, where appropriate, raising awareness of the issues. These include:

- School P3 and the work of the new Saskatchewan Council on Children;
- National review of the needs of children and youth living in permanent care;
- National standards of care for youth in custody and ways of including their voice in the development of the standards;
- The abuse and exploitation of children through the sex trade;
- Infant mortality; and
- Custody and access.



From the Children's Advocate

It is now ten years since the Task Force on Child and Youth Advocacy (November 1992) submitted its proposal for Child and Youth Advocacy in Saskatchewan to the then Minister of Social Services, Pat Atkinson. This Task Force heard from a number of community groups and individuals who identified the need for a "highly independent, accessible and responsive Child and Youth Advocacy Commission possessing legislative powers designed to create positive interventions in individual cases and to effect change in systems." Those consulted also repeatedly reinforced a "preference for an Advocate model over an Ombudsman model in order to establish proactive responses, community education, prevention strategies, and interventions on behalf of children and youth; and the need for a legislated mandate that created an independent organization, free of direct control or influence of a line department, and that reported directly to the legislature...".

On reflection, I believe that the thoughtful legislation used to create this Office provided the structure that has permitted me and my staff to work towards the goals that were identified by the community advocates who contributed to creating the vision of this Office.

The Children's Advocate Office was established to be "a voice for children" and it was clearly intended that this Office would promote the interests of children and young people. It is noteworthy to me that the idea that children and young people have a right to a "voice" continues to be the most frequently misunderstood aspect of the work we do. Our commitment to ensuring that, where possible, young people have opportunities to voice their opinions about matters that affect them continues to be the aspect of our work most openly criticized or questioned.

I am frequently called upon to explain why our Office wants to talk directly with the young person when a community member contacts us with a concern or complaint on behalf of that young person. Young people, just like you and I, want to be treated in a respectful and inclusive manner. Young people want to be listened to and they want to have their ideas and information considered in a meaningful manner. Young people are no different than the rest of us and they want to have the opportunity to have a say in their own destiny.

What happens when the young person is too vulnerable or too young to give "voice" many of you ask me? Let me remind you of our statistics. Firstly, almost half of the calls we take in this Office come from parents who call us on behalf of their children. We provide these parents with advocacy services, including providing them with information, referring them to appropriate resources, reviewing the issues they have raised with the appropriate government officials and other actions in accordance with our legislation. We usually want to also speak with the child or young person. For children capable of forming their own views, we provide those children with the opportunity to express those views freely. We believe, in accordance with Article 12 of the United Nations Convention on the Rights of the Child, that the child's views must be given due weight in accordance with the age and maturity of the child.

"...Although there's no question that opportunities for meaningful participation contribute to the healthy and positive development of youth, consider the broader implications for society if we engage young people in advocacy efforts. Young people are an incredibly untapped resource, and they are looking for ways in which they can make a difference in the world. We expand our horizons and open ourselves to limitless possibilities when we recognize that engaging young people through advocacy and civic participation is critical to bringing about positive, sustainable change in our communities."

(Garin-Jones, January 2002)

It is not uncommon for me to be asked what we do for children who are not capable of forming their own views. Sometimes people, incorrectly, interpret our commitment to taking our direction from the child to mean that we will do nothing for these younger or vulnerable children. We actively advocate for children, regardless of age or circumstance, to be provided with the services they are entitled to in policy or in law. These entitlements vary from situation to situation and determining how we will exercise our authority is a part of the complexity of our work.

So, yes we do strongly advocate for children and young people to be provided the right to express their views in all matters that affect them. This does not mean that we do not also advocate for the interests and well-being of children. The systemic issues identified in this report clearly outline the work we do in this Office to influence practice, policy and legislation impacting on Saskatchewan children. We believe we make a difference with and for the children we serve and we urge all of you to do the same.

D Parker-Loewen

Deborah Parker-Loewen
Children's Advocate
Province of Saskatchewan

Public Education

The Children's Advocate Office conducts public education to raise the profile of the rights of all children in Saskatchewan. The Office strives to develop and enhance a sense of individual and community responsibility for protecting and promoting children's rights.

Public Education

Feedback

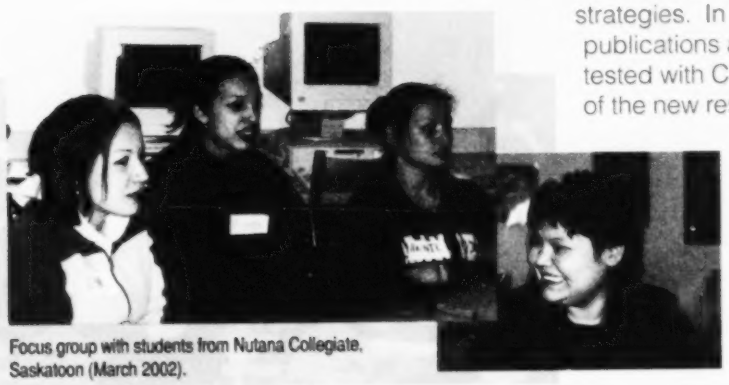
In the spring of 2002, the CAO conducted a qualitative needs assessment to determine the communication needs of our target audiences. Attention was given to communication with children and youth in care, youth in young offender facilities, youth at risk and the general youth population, as well as adults who work with children/youth, including foster parents and adult professionals (Garven & Associates, March 2002).

As part of the project, information was distributed to foster families through the Saskatchewan Foster Families Association. Packages contained background information on the CAO as well as questionnaires for both the foster parents and youth within the home. The response rate for both surveys was very high. In addition, two focus group sessions were held – the first at Nutana Collegiate in Saskatoon and the second at the North Battleford Youth Centre. Surveys were distributed to youth through the Provincial Youth Delegation. Twenty community and government professionals were also interviewed representing diverse fields including child welfare, young offender services, education, health and early childhood education.

For the most part, the CAO received positive responses to the project. Some findings from the project were that:

- All target groups indicated that they would support efforts to increase the understanding of what the CAO does and how it can be accessed.
- Foster parents, children/youth in care, youth and key informants indicated a preference for in-person processes to gather information. Youth also indicated a preference for traditional media or advertising communication methods.
- All groups indicated that the toll-free telephone number is an effective way for target groups to contact the CAO.

Information gathered from the needs assessment led to several recommendations that were incorporated into the development of new CAO public education resources and a new CAO website that was launched in December 2002. The recommendations will also be incorporated into future communications and public education strategies. In the fall of 2002, the new publications and website design were focus tested with CAO target audiences. Distribution of the new resources will begin in early 2003.



Focus group with students from Nutana Collegiate, Saskatoon (March 2002).

The CAO would like to thank all those individuals who participated in either the needs assessment or the focus-testing phase of this project.

New CAO Website

Information on the services available from the CAO is now just a click away. The new CAO site, **www.saskcao.ca**, provides quick and easy access to information about programs and services available from the CAO. The website is divided into two distinct sides – one designed to appeal to children and youth, and the other to a general audience.

The youth site includes general questions about why a child or youth would call, games, links and a general questionnaire by the Provincial Youth Delegation on issues affecting youth. The general side provides more detailed descriptions on the authority of the office, procedures for handling concerns raised with the office, as well as links to download current reports and publications. In addition, the site features links to other on-line child and youth resources. In the months to come, the website will continue to grow. By creating a more child and youth-friendly site, the CAO is seeking to increase our direct contact with Saskatchewan children and youth; particularly those in remote areas who currently have limited access or are unaware of our office. We hope that children and youth visiting our site will gain a better understanding of how the CAO can help them. The CAO's toll-free number (1-800-322-7221) is featured prominently throughout the site. The new website address is **http://www.saskcao.ca**

The Provincial Youth Delegation

Since its foundation in 1998, delegation members have always shown a strong personal commitment to increasing youth empowerment within their communities. A major initiative for the PYD during the year 2002 was the commitment to furthering the recommendations made at the *Mind the Gap* youth/adult partnership conference, which occurred in November 2000.

Founded in 1998, the PYD is a province-wide advisory body of youth that is an initiative of the CAO. The PYD represents their peers in government and community life, promoting the belief that young people are valuable, untapped resources in their communities. The Delegation seeks to:

- **Create opportunities for youth leadership development and community involvement.**
- **Promote the inclusion of youth in decisions that impact their lives and futures.**
- **Generate awareness of the negative stereotypes that isolate youth from meaningful participation in society.**

PYD participants come from across Saskatchewan and have a variety of interests and experiences in youth and community activities. Every spring, the PYD recruits new members between the ages of 15 and 19 years.

In December 2002, Joanne Crofford, the Minister of Culture, Youth and Recreation, officially responded to the PYD and the CAO regarding the government's response to the recommendations outlined in the *Mind the Gap* Report. The Minister acknowledged that some of the initiatives developed by her department were "influenced by *Mind the Gap*" (Saskatchewan Culture, Youth and Recreation, December 31, 2002).

Members of the Provincial Youth Delegation (PYD).
Photo taken August 2002 Amyot Lake, Saskatchewan.

To bring some of the issues from *Mind the Gap* to the public eye, the PYD decided to produce a report focusing on one of the topics from *Mind the Gap*. The topic chosen for the report, which will be released in 2003, is on youth perspectives on education in Saskatchewan. In 2002, the PYD was busy surveying youth across the province to find out their opinions on the current secondary-edu. ation system. The PYD will compile the data and make recommendations to government on the basis of the survey results.

A World Fit for Us – Children's Forum Message

We are the world's children. We are the victims of exploitation and abuse. We are street children. We are the children of war.

We are the victims and orphans of HIV/AIDS. We are denied good-quality education and health care. We are victims of political, economic, cultural, religious and environmental discrimination. We are children whose voices are not being heard: it is time we are taken into account. We want a world fit for children, because a world fit for us is a world fit for everyone.

In this world,

We see respect for the rights of the child. We see an end to exploitation, abuse and violence. We see an end to war. We see the provision of health care. We see the eradication of HIV/AIDS. We see the protection of the environment. We see an end to the vicious cycle of poverty. We see the provision of education.

We see the active participation of children. We pledge an equal partnership in this fight for children's rights. And while we promise to support the actions you take on behalf of children, we also ask for your commitment and support in the actions we are taking – because the children of the world are misunderstood.

We are not the sources of problems; we are the resources that are needed to solve them. We are not expenses; we are investments. We are not just young people; we are people and citizens of this world.

Until others accept their responsibility to us, we will fight for our rights. We have the will, the knowledge, the sensitivity and the dedication. We promise that as adults we will defend children's rights with the same passion that we have now as children. We promise to treat each other with dignity and respect. We promise to be open and sensitive to our differences.

We are the children of the world, and despite our different backgrounds, we share a common reality. We are united by our struggle to make the world a better place for all.

You call us the future, but we are also the present.

(Children's Forum, May 2002). Adapted.

PYD members continue to enthusiastically respond to numerous requests by government and community groups for the "youth perspective." The PYD presented at the *Third Western Canada Symposium on Child and Adolescent Violence* in the spring of 2002. Using *Mind the Gap* as a model, the presentation entitled *Youth/Adult Partnerships: Working Toward Just Solutions*, focused on developing effective ways to engage youth and adults in joint activities.

The PYD Youth Coordinator and the Children's Advocate also had the opportunity to present at the *Canada's Children, Canada's Future Conference*, which took place May 2-9, 2002 in Toronto. Saskatchewan teamed up with the Advocates from British Columbia, Ontario and Manitoba to give a presentation on advocacy and how the *Convention on the Rights of the Child* serves as the foundation of our advocacy work. The presentation was organized entirely by youth representatives from the advocate offices. The youth spoke about how the advocates included youth meaningfully in their daily work.

2002 Highlights

In 2002, CAO staff made approximately 96 presentations about the role of the CAO and issues relating to the interests and well-being of children. Below are some of the highlights from the presentations and meetings that were held in 2002.

United Nations Special Session on Children

In May 2002, the United Nations General Assembly held a Special Session on Children in New York. This was an unprecedented meeting dedicated to the children and youth of our world. Heads of state, representatives from non-governmental organizations, children's advocates and many children and young people themselves came together to make a renewed commitment to action with and for children in the next decade. This was the first time that the General Assembly held a meeting devoted solely to young people under the age of 18. Governments took stock of their successes and failures in terms of protecting the children of the world and they also made a new commitment to action, through the Outcome Document *A World Fit For Children*.

The four Saskatchewan individuals who attended the UN Special Session: From left to right: Geoff Pawson, Vice-President, Child Welfare League of Canada; Candis Clarke, Youth Representative; Deborah Parker-Loewen, Children's Advocate; Larry Spencer, Member of Parliament.

The Canadian delegation included five young people, members of Parliament, provincial representatives, federal officials and representatives from non-governmental organizations. The Special Session also represented the first time that young people were part of government delegations and presented their case themselves to the General Assembly. The meaningful participation of young people was, indeed, a major achievement. Over 300 children from 132 countries participated as full delegates. A youth forum, coordinated by Save the Children Alliance and UNICEF, resulted in these young people creating their own, very powerful declaration, *A World Fit for Us*.

Of significance to all Canadians, Canada agreed to develop a National Plan of Action with specific, time-bound and measurable goals and targets and to submit this to the Secretary-General of the United Nations General Assembly by the end of 2003. This National Plan of Action has the potential to provide a comprehensive strategy to improve the well-being of Canada's children. Improving the structures and processes by which we, in Canada, protect our children and the role of parents and families in safeguarding our children, is an important goal. Canada has a real opportunity to make a difference and we all need to make a determined effort to see that it happens.

On June 26, 2002, the Saskatchewan delegates shared their experiences at the Session in a presentation at Government House. Additional information on the United Nations Special Session on Children can be found on the UNICEF website at: www.unicef.org/specialsession/.

Top: Participants at the South Bay Youth Conference, Ile a la Crosse

Right: Shaun Soonias, Advocate, CAO.

Reaching Out to Northern Youth

The CAO was pleased to participate in two northern youth events. On August 7, 2002, the CAO presented information on the CAO to northern Aboriginal youth at the South Bay Youth Conference in Ile a la Crosse. This annual youth gathering sees approximately 450 youth from northern communities participate in sports and cultural activities, education and career symposiums. Many presentations related to motivation, rights and services. The CAO also facilitated workshops for at-risk youth involved with gangs at the *Alter-Natives to Non-Violence Youth Gathering* that took place, August 25 and 26, 2002, at the Blue Mountain Park, near North Battleford. This first of its kind gathering coordinated by the Federation of Saskatchewan Indian Nations (FSIN), targeted youth at-risk of becoming involved with gangs or those already exposed to the gang environment.

Deborah Parker-Loewen receiving the Commemorative Medal for the Queen's Golden Jubilee. Presented by her Honour, Lynda Haverstock, Lieutenant Governor, Province of Saskatchewan, December 5, 2002, North Battleford. On October 17, 2002, in Saskatoon, Deborah Parker-Lowen, Children's Advocate was presented with the Family Service Canada's Leadership Award from Family Services Canada.

Saskatchewan Youth in Care & Custody Network (SYICCN)

This past year the SYICCN had a very successful year and the CAO was honored to be asked to participate in two of their major events. The first event was a roundtable discussion, which opened a dialogue between youth who had experience in the justice system and adults from the helping professions. The roundtable focused on hearing the experiences of young people within the justice system and on forming recommendations that may improve the system's treatment of Aboriginal youth. All the recommendations from the roundtable were presented to the Commission on First Nations and Metis Peoples and Justice Reform for their consideration. In addition, in October the CAO was pleased to provide opening remarks at a SYICCN sponsored and organized fashion show, *Stitching the Network/Express Yourself*. A huge success, this event gave the youth the opportunity to present fashions, designed and modelled by themselves.

Glenda Cooney, Deputy Children's Advocate with children and parents of the First Avenue Child Care Centre Inc. **National Child Day, November 20, 2002**, celebrating the grand opening of the childcare centre. The childcare centre is the result of a community effort and is part of the Education Centre attached to the Regina & District Food Bank.

Foster Parent Appreciation Gathering

The CAO was honored to be a guest speaker at a foster parent appreciation gathering in La Loche, hosted by the NorthWest Region, DSS on October 24, 2002. Over 25 local foster parents received recognition for providing care to children. The CAO discussed the importance of the role of foster parents. Fostering children is an important job. It takes commitment, dedication and a special individual to provide a home for those that are in need. Other guests included representatives from the DSS and the La Loche Foster Parent Association, who spoke words of praise and encouragement to the foster parents. The evening was enjoyed by all in attendance. The CAO sincerely appreciated the invitation by the La Loche DSS and commended the staff for honoring their local foster parents.

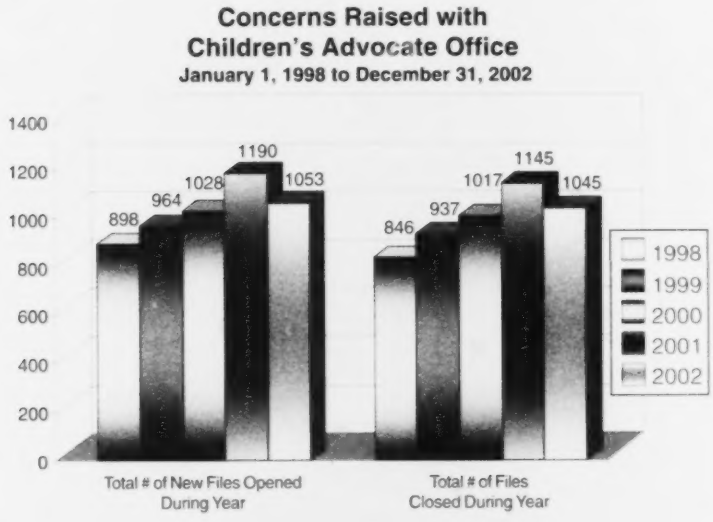
Children's Advocate Office

The Children's Advocate Office has the authority to receive and review any matter related to government services affecting a child or a group of children. Individual and group advocacy services include:

- **Assisting people to become effective self-advocates by providing information, strategies, appropriate contacts and options.**
- **Assisting young people who are receiving government services to express their viewpoint and have it considered when decisions are being made that affect them.**
- **Working to ensure that all children, especially vulnerable children, are treated in accordance with existing government practice, policy and legislation.**
- **Taking further action when a matter affecting a child or group of children is not resolved or if policy concerns remain. This may include reviewing and investigating all information available and making recommendations to the government for change.**

Individual and Group Advocacy

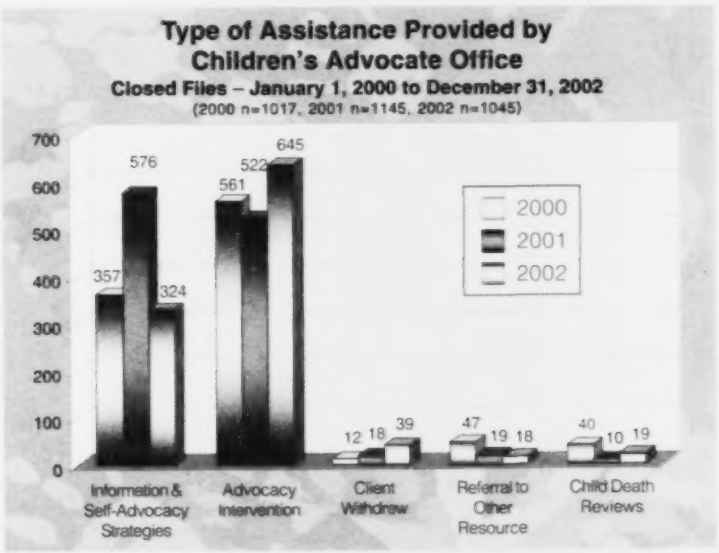
Assistance Provided



During its eight-year history, the CAO has opened close to 5500 individual advocacy files. The number of requests for service that the CAO responded to levelled off during 2002. Over the past year, the CAO received 1053 new requests for service. This represents an average of 87 new calls per month.

Type of Assistance

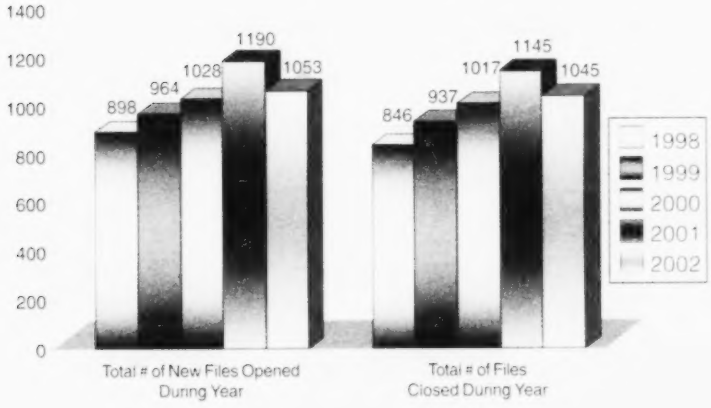
A continuum of advocacy services are provided to the children, youth and others who contact the CAO requesting assistance. Self-advocacy strategies are provided including information on government policies and procedures, negotiation with decision-makers and referral services. During 2002, self-advocacy services were provided to 324 callers or 31 percent of our closed files. If issues are not resolved using these methods, further advocacy intervention may be required. This next level of intervention may include liaison with multiple government departments and organizations; facilitation of and participation in case conferences and meetings; or, on a limited basis, conducting formal investigations. During 2002, advocacy intervention services were provided to 645 callers or 62 percent of our closed files.



Individual and Group Advocacy

Assistance Provided

Concerns Raised with Children's Advocate Office
January 1, 1998 to December 31, 2002



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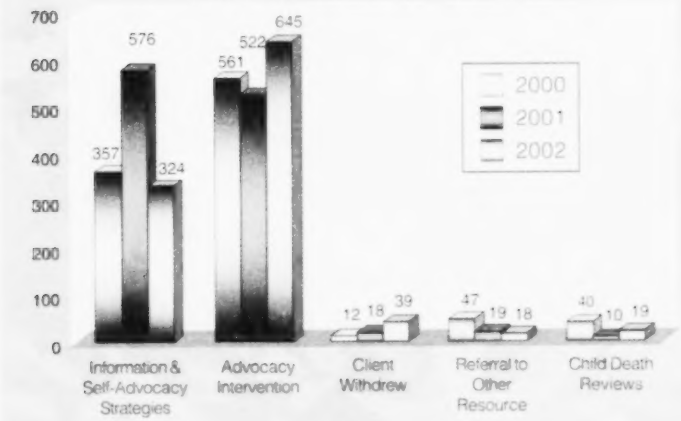
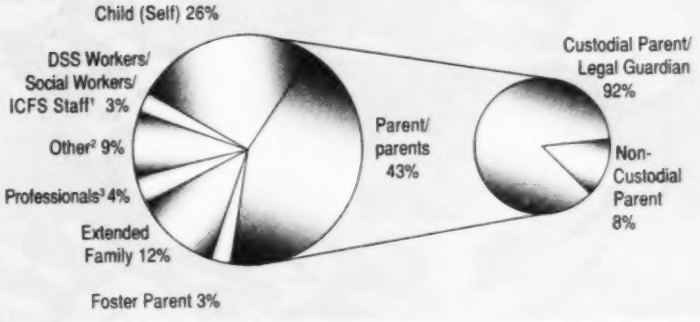
Type of Assistance Provided by Children's Advocate Office
Closed Files – January 1, 2000 to December 31, 2002
(2000 n=1017, 2001 n=1145, 2002 n=1045)



Who is Calling?

Relationship of Contact Person to Child or Group of Children (n=1045)
Closed Files – January 1, 2002 to December 31, 2002

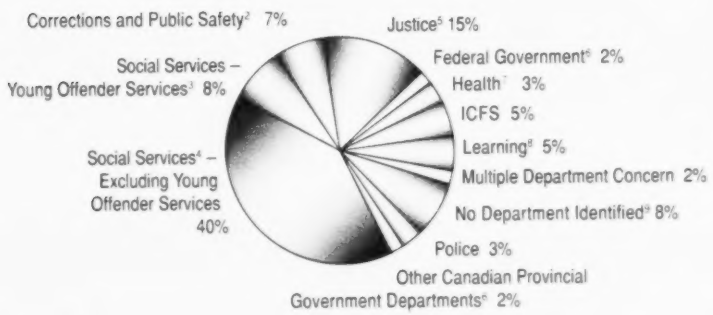


1 Includes workers with the DSS, staff of ICFS agencies as well as other social workers.
2 Includes interested third parties such as band representatives, babysitters, neighbours, etc. Also includes those individuals who do not have a relationship with a specific child.
3 Includes those individuals that have a professional relationship with the child, such as health care professionals, judges, community-home operators, teachers, etc.

Issues are brought to the attention of the CAO by children/youth as well as others involved in their lives. The range of individuals contacting the CAO has remained relatively consistent. Parents requesting service on behalf of their child or youth are the largest contact group, representing 43 percent of all calls. Children/youth contacting the CAO represented 26 percent of the total requests for service in 2002. Contacts from those with a professional relationship with a child, including social workers and ICFS agency staff, totalled seven percent. Requests for service from foster parents represent three percent of calls received by the CAO.

Why are They Calling?

Concerns Raised with Children's Advocate Office Listed by Government Department or Agency[1] (n=1045)
Closed Files – January 1, 2002 to December 31, 2002



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2 Includes concerns regarding young offender services for the newly created department Corrections and Public Safety (CPS) from April 1 to December 31, 2002.
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As in previous years, the majority of concerns raised with the CAO focused on the Department of Social Services (DSS), totalling 48 percent of all calls. However, the creation of the Department of Corrections and Public Safety (CPS) on April 1, 2002, resulted in a decrease in the percentage of calls concerning the DSS. Services for young offenders are now the responsibility of CPS. In future, the eight percent of calls concerning the DSS that were received in 2002, will be reported under Corrections and Public Safety. Seven percent of all CAO concerns raised from April 1 to December 31, 2002 were regarding CPS. Calls regarding Justice issues totalled 15 percent of all calls.

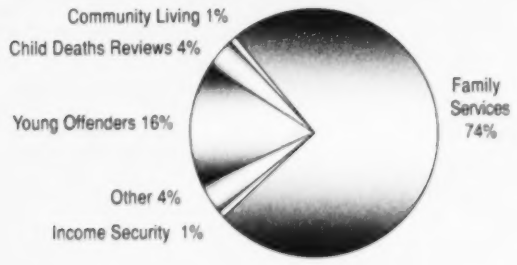
Social Services

The CAO dealt with 506 matters concerning services provided by the DSS, representing 48 percent of all calls to the CAO. Factoring out all calls concerning services to young offenders, the total number of calls regarding Social Services is relatively consistent with previous years (447 in 2000; 448 in 2001; 423 in 2002).

Family Services

The DSS provides a number of services to the children and youth of Saskatchewan through the Family and Youth Services Division. Of the 506 requests related to the DSS, 74 percent were about the provision of Family Services. This number represents 36 percent of all calls to the CAO. Disagreements with caseplans and case management issues continue to constitute the majority of concerns brought to the attention of the CAO.

Concerns Raised with Children's Advocate Office Regarding the Department of Social Services[1]
Closed Files – January 1, 2002 to December 31, 2002 (n=506)



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Children with Disabilities

Children with disabilities, who remain in their own home, may access services and support through the Community Living Division (CLD) of the DSS. As in past years, calls from parents concerning service provisions through CLD remain fairly consistent. Concerns are primarily focused on families who are having difficulty accessing services such as respite and specialized equipment, to assist them in caring for their child in their home. Calls regarding the Community Living Division represent one percent of the DSS calls.

"Some adults consider themselves to be youth advocates, committed to championing the rights of young people as they suffer injustice in our society. For others, youth advocacy means young people themselves should represent their own interests and be involved in a range of decisions affecting their lives.

To complicate matters, several other terms are used interchangeably with youth advocacy: youth leadership, youth involvement, youth empowerment, youth participation, youth-driven, and youth-centered.

Consider the simple, obvious similarity among these terms. In each, the word *youth* is at the beginning. Remove that word, and the context is lost, the direction uncertain. In a society where young people are often overlooked and undervalued, these phrases remind us that the voices and experiences of young people provide us with a critical dimension of our past, present, and future."

(Garin-Jones, January 2002).

Relationship of Contact Person to Child or Group of Children (n=1045)

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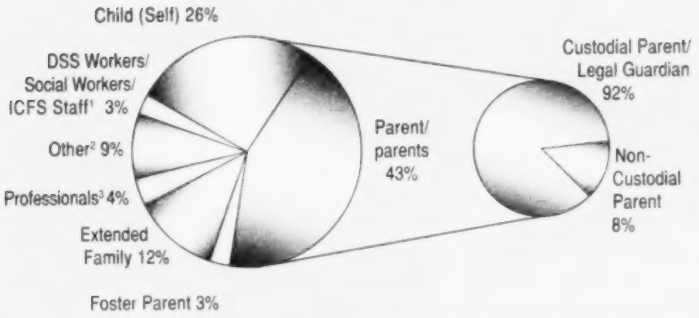

1 Includes workers with the DSS, staff of ICFS agencies as well as other social workers.
2 Includes interested third parties such as band representatives, babysitters, neighbours, etc. Also includes those individuals who do not have a relationship with a specific child.
3 Includes those individuals that have a professional relationship with the child, such as health care professionals, judges, community-home operators, teachers, etc.

Issues are brought to the attention of the CAO by children/youth as well as others involved in their lives. The range of individuals contacting the CAO has remained relatively consistent. Parents requesting service on behalf of their child or youth are the largest contact group, representing 43 percent of all calls. Children/youth contacting the CAO represented 26 percent of the total requests for service in 2002. Contacts from those with a professional relationship with a child, including social workers and ICFS agency staff, totalled seven percent. Requests for service from foster parents represent three percent of calls received by the CAO.

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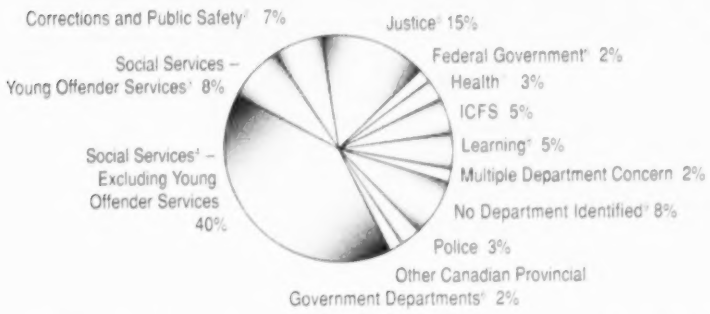

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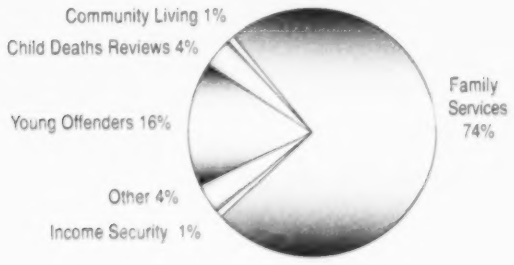

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(Garin-Jones, January 2002).

Case Examples

Family Services – Youth Denied Support

Issue: A 17-year-old youth requested assistance in appealing a decision by the DSS to deny her support under the 16-17 year-old program.

Background: The youth had applied for support under the program but did not understand the DSS's rationale for the denial of service. She also informed the CAO that she was pregnant and had been unable to access services from the Teen and Young Parent Program.

Action: An advocate met with the youth and it was agreed that a meeting would be set up with the DSS worker and the worker's supervisor to appeal the previous decision. The meeting was held and the DSS agreed that services would be offered to the youth. The appropriate arrangements were made. The DSS determined that the youth had not been denied services from the Teen and Young Parent Program. A DSS worker had been assigned but the youth had failed to make contact.

Outcome: The youth was provided services from both the 16-17 year-old and the Teen and Young Parent Programs. In addition, the DSS worker assisted the youth in resolving the conflict the youth had been having with her parent. The DSS worker also provided support to the youth until she was reunited with her parent.

Family Services – Family Contact Denied

Issue: A youth residing in a group home contacted the CAO because the DSS was not allowing him to have visits with his mother.

Background: The DSS worker informed the youth that the DSS would not allow any more visits with his mother until she started working with them on case planning. The youth felt that it was unfair to stop his visits because his mother was not cooperating with the caseplan. The worker informed the CAO that they had a long history of involvement with the youth and his family. There were a number of protection issues in the mother's home that led to the DSS decision to deny visits with the mother.

Action: The advocate met with the DSS worker to discuss the rationale for denying family contact. Upon review with the DSS worker's supervisor, the worker decided that supervised visits were a viable option to ensure the youth continued meaningful relationships with his family while he was in care.

Outcome: The youth received supervised visits, which were not contingent upon the family's compliance with the caseplan.

Family Services – Child Voice Not Heard

Issue: A caregiver contacted the CAO because the DSS decided to move two children who were in her care back to their home, without the children having the opportunity to discuss the decision with their DSS worker.

Background: The caregiver had received a call from the caseworker notifying her that the DSS would be moving the children home the following day. The caregiver informed the children of the DSS decision. The children became very upset and requested that the caregiver contact the CAO on their behalf, as they did not want to go home at this time. The caregiver asked the CAO to help arrange a meeting between the DSS worker and the two children, prior to their return home.

Action: The advocate met with the two children. They told the advocate that they had had no contact with their worker since they were placed at their caregiver's. They were not prepared to go home at this time, as they felt that their home was still unsafe. They agreed to a meeting with their worker, which was initiated by the advocate. At the meeting, the children explained to the DSS worker their concerns about being moved home at this time. Both children were pleased with the process and felt that the DSS worker listened to their concerns.

Outcome: Several days after the meetings, the children were informed that they would not be moving home. The DSS worker reassessed their caseplan, taking into account the children's perspective and determined that it was not in their best interests to return home at that time.

Indian Child and Family Service (ICFS) Agencies

There are 17 Indian Child and Family Service (ICFS) agencies in Saskatchewan providing services to children and their families under *The Child and Family Services Act*.

"It is estimated that there are currently 22,500 First Nations children in care or 30 percent of the total child in care population in Canada. Some provinces and territories are reporting that these figures are increasing, signaling the need to implement new child welfare approaches designed by Aboriginal peoples in partnership with governments or voluntary sector organizations.... For many Aboriginal communities forming collaborative relationships with government and the voluntary sector still feels like risky business. There is still a great deal of mistrust and animosity toward those outside the helping fields of Aboriginal communities. Statements by non-Aboriginal Canada regarding the re-establishment of trust and an ability to work collaboratively must accompany demonstrated commitment to forming sustained respectful relationships based on equality to meet agreed upon goals and processes. In the past, too often, well meaning rhetoric has failed to be followed up with actions."

(First Nations Child & Family Caring Society of Canada Inc., 2002).

Concerns regarding ICFS agencies represented five percent of calls to the CAO in 2002, nearly double the number of calls received the previous year. The number of calls the CAO receives regarding ICFS agencies has been steadily increasing over the past few years. (20 in 2000; 31 in 2001; 54 in 2002). The CAO has been actively reaching out to ICFS agencies over the past few years and this increase may be a result of a greater understanding, by both ICFS clients and staff, of the roles and responsibilities of the CAO with respect to ICFS agencies.

Calls regarding ICFS agencies are similar to those calls received concerning the DSS Family Services. Disagreement with caseplans and case management issues constitutes the majority of concerns brought to the attention of the CAO. Throughout the year, the CAO met with ICFS directors, staff and board members to discuss matters of mutual interest including advocacy services, child death review investigations and systemic issues.

ICFS – Group Home Closed

Issue: The CAO received a concern from a parent of a youth who was residing in an ICFS operated group home. The parent alleged that workers at the group home had abused her son, along with other children in the home.

Background: The parent indicated that to her knowledge, the allegations of abuse were being investigated by the RCMP. However the children remained in the group home and the workers continued to have access to the children. The parent indicated that, in her opinion, the children in the group home continued to be subject to physical and verbal abuse.

Action: The advocate contacted the director of the ICFS agency responsible for the group home. A meeting was held with the agency. The CAO was informed that the agency had made arrangements to move the youth from the group home and suspend the operations of the group home. The CAO was also informed that the agency was in the process of conducting a program review of the group home.

Outcome: The agency suspended operations of the group home until a program review could be completed. The youth residing in the group home were moved to other resources.

Case Examples

Young Offender Due Process

Issue: A youth contacted the CAO concerned that the departments of Social Services (DSS) and Corrections and Public Safety (CPS) were treating him unfairly.

Background: A youth contacted the CAO and stated that he had been on remand (in custody and waiting to appear in court), had gone to court, and was then released from custody on a court order (undertaking). The undertaking required that the youth live in a DSS community resource. However, upon his release he was placed in a custody facility as he was informed that the DSS had no community resource for him. He believed that he was being treated unfairly by the system as the court had made a decision to release him from custody and now the DSS and CPS made an administrative decision to place him in custody.

Action: The advocate contacted the facility and asked for the rationale for this youth's placement in the facility. The youth worker was not aware of the rationale and suggested that the manager be contacted. The manager informed the advocate that there are two beds within their facility designated to receive and hold youth who had been released on an undertaking. The advocate then contacted central office personnel, who had recently been made aware of the issue. There was agreement that the court had released the youth from custody and that placing the youth back in custody on an undertaking was not appropriate. The regional office responsible for the facility was contacted and a more appropriate community resource was found for the youth.

Outcome: The CAO was contacted at a later date and informed that beds in the custody facility would not be used for youth released on undertakings. They would only be used for youth who had a custody order.

Youth Access to Cultural Programming

Issue: A youth called because he was not being allowed to participate in Aboriginal cultural events at a young offender facility.

Background: The youth stated that his parent wrote a letter to the young offender facility director requesting he not be allowed to participate in Aboriginal cultural events. He disagreed with this and felt he was not being treated fairly by the facility.

Action: The advocate contacted the unit supervisor to clarify the information provided by the youth. The supervisor stated the youth had not been denied participation in Aboriginal cultural events and that staff were obligated to tell him about the letter written by his parent. The supervisor agreed to speak with the youth about the issue and resolve the misunderstanding.

Outcome: The misunderstanding was resolved and he was welcome to participate in Aboriginal cultural events.

Young Offender Access to Service

Issue: A youth was transferred from a secure custody facility due to a temporary shortage of space and called because she was concerned that she would miss medical appointments.

Background: A youth contacted the CAO from a secure custody facility. She informed the CAO that she had just been transferred from another secure facility due to lack of space. She had some scheduled health appointments and she was fearful that she would miss them as a result of the transfer. The youth requested assistance in transferring back to the first facility, where she then could attend her scheduled appointments.

Action: The advocate contacted both facilities. With the youth's consent, the advocate expressed the youth's concern regarding her appointments. The first facility was aware of the concern and had been making arrangements to transfer her back before the appointments. However, they had recently had several new admissions. The recently admitted youth had court dates that were occurring the following day and as a result they could not be transferred out to allow this youth to return to the first facility. The worker at the first facility assured the youth that they would do everything possible to accommodate a transfer.

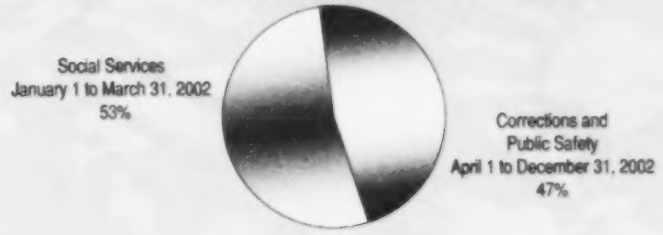
Outcome: The youth was transferred back to the first facility the following morning and was able to attend her scheduled appointments.

Corrections and Public Safety

Youth in Conflict with the Law

The number of contacts from young people who are in either open or secure custody young offender facilities or on probation have remained fairly consistent over the last few years, representing 15% of all CAO calls in both 2001 and 2002 (156 calls in 2002, 175 calls in 2001). Concerns are brought to the attention of the CAO primarily when youth are in disagreement with decisions that are being made about them. The facilities in the young offender system have now incorporated a formal appeal mechanism and youth are assisted by the CAO to utilize this mechanism to resolve their concerns. For the most part, it has been the experience of the CAO that this appeal mechanism has been a positive experience for youth in the facilities.

Concerns Raised with Children's Advocate Office Regarding Young Offender Services
Closed Files – January 1, 2002 to December 31, 2002 (n=156)



Secure Custody – Who Decides

Issue: A female youth in an open custody facility called the CAO because she felt she was not being treated fairly. The youth was given back-to-back administrative admissions to secure custody from open custody.

Background: The youth complained that she had been administratively transferred to secure custody from open custody for reasons not allowed under the *Young Offender's Act*. The youth had been placed in secure custody for 15 days, which is what is allowed under the law. Upon completing the 15 days in secure custody the open custody staff appeared, placed her in a van, drove her off the secure facility property and then returned her to the secure facility to be re-admitted for a further period of secure detention.

Action: The advocate called the director of the open custody facility as he had authorized the readmission of the youth. The director was asked if the decision fell within their policy and legislation. It was the opinion of the advocate that the readmission had to be based on new grounds. It was the advocate's opinion that the youth could be readmitted only after a new occurrence of "misbehavior", as described in the *Young Offenders Act*. This new misbehavior also needed to occur at the open custody facility or at least en route to the new facility. A similar incident in Ontario resulted in the case going to the Ontario Court of Appeal (R. v. J.P.G., (2000) O.J. No. 986, (2000) C.C.S. No. 12133, No.C33413). The Ontario court decided that "the director was given a limited statutory authority to interfere with the level of custody judicially determined, but only for 15 days at a time, and only if there were new grounds for each. Therefore, JPG [the youth] had to be transferred back from secure to open custody after 15 days, and given meaningful opportunity to continue to serve his open custodial sentence." The advocate provided a copy of the Ontario decision to the director of the open custody facility as well as to the senior managers of Youth Justice at Corrections and Public Safety.

Outcome: The director of the open custody facility initially disagreed with the position being taken by the CAO. Upon reconsideration, the next day the youth was returned to open custody. The individual file was closed. The CAO continues to discuss the issue with CPS.

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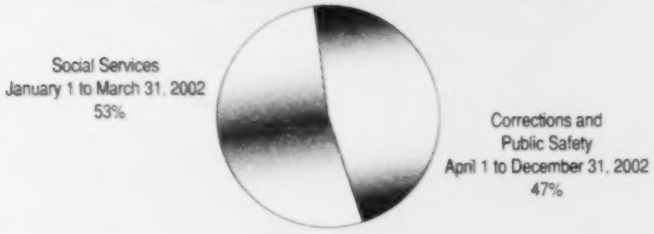

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Case Examples

Learning – The Right to Appeal

Issue: A youth was suspended from school for ten days and was concerned that she would miss year-end reviews and her graduation as a result.

Background: The youth was suspended for ten days following an incident where she left the school grounds at lunchtime, went to a friend's home and smoked marijuana. When questioned by a teacher upon returning to school, she admitted her mistake. As a result, she was suspended from school for ten days. The suspension included her missing her graduation, all after-school activities related to the graduation as well as the year-end review, which was to assist students in preparing for final exams. The student felt the consequences were too harsh.

Action: The advocate, while recognizing the limited jurisdiction of the CAO with this particular issue, provided the youth with information on section 148 of *The Education Act* relating to the dispute resolution process and encouraged the youth and the parents to request a review pursuant to the Act. The advocate also contacted the principal and the director of education for clarification on the issues.

Outcome: The school principal and director of education refused to allow the youth to participate in any graduation exercises but did agree to provide the youth with the year-end review information to assist her in preparing for final exams.

Health – Surgical Waiting Lists

Issue: A mother contacted the CAO because her 12-year-old daughter, with a severe laceration to her leg, required surgery and was being bumped off the priority surgical waiting list.

Background: Following a snowmobile accident, the child was hospitalized with a severe laceration to her leg that required surgery. The tissue surrounding the wound was dying and needed to be removed. For two days the child was required to fast in preparation for the surgery and each day was bumped off the surgery waiting list because of more critical injuries requiring the operating room. The parent was very concerned with the child's lack of nutrition and the progression of the dying tissue on her daughter's leg.

Action: The advocate contacted the client representative for the health district (authority) to clarify the process for the surgery waiting list. The client representative indicated that there was a waiting list that was based on priority and he would speak with the nursing unit manager and the operating room manager to determine the current status of the child.

Outcome: Following the CAO raising this child's issue with the client representative, the child's situation was reviewed by hospital staff and the required surgery was provided soon after.

Concerns Raised with Children's Advocate Office Regarding the Department of Justice
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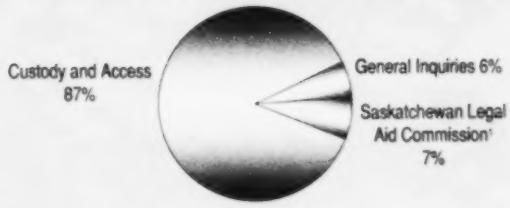


*Concerns regarding the Saskatchewan Legal Aid Commission were previously reported under "No Department Identified."

Justice

Custody and Access calls continue to represent the majority of Justice related calls brought to the attention of the CAO. The CAO does not have the authority to review matters that are before the courts. However, individuals contacting the CAO are provided with referral information and strategies that may assist the caller in resolving the concern. Custody and access issues represent 13 percent of all calls to the CAO and 87 percent of all Justice calls.

Health

In 2002, the number of health related concerns totalled 31 calls or three percent of all CAO closed files. Calls in 2002 were primarily due to concerns regarding access to appropriate mental health services for children, access to drug and alcohol resources and concerns over surgical waiting lists for children.

1. **I have the right to live and to have my pain and suffering treated, even if I am unable to communicate my need. I have this right regardless of my age, gender or income.** (Article: 3, 6, 24)
2. **I have the right to be viewed first as a child, then as a patient.** (Article: 3)
3. **I have the right to be treated as an individual with my own abilities, culture and language.** (Article: 2, 23, 24, 30)
4. **I have the right to be afraid and to cry when I feel hurt.** (Article: 12)
5. **I have the right to be safe in an environment that is unfamiliar to me.** (Article: 9, 19, 24, 25)
6. **I have the right to ask questions and receive answers that I can understand.** (Article: 12, 13)
7. **I have the right to be cared for by people who perceive and meet my needs even though I may be unable to explain what they are.** (Article: 3, 5)
8. **I have the right to speak for myself when I am able and to have someone speak on my behalf when I am unable.** (Article: 12, 13, 14)
9. **I have the right to have those who are dear to me close by when I need them.** (Article: 3, 9, 31)
10. **I have the right to play and learn even if I am receiving care.** (Article: 28, 29, 31)
11. **I need to have my rights fulfilled.** (Article: 42)

(Canadian Institute on Child Health, 2001).

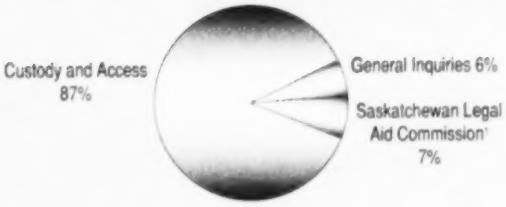
Learning

While the CAO has the authority, at the provincial level, to review issues raised regarding education, the CAO does not have the authority under *The Ombudsman and Children's Advocate Act* to investigate complaints about boards of education, teacher services or concerns that have developed between students/parents and a teacher or school board. However, students, parents and teachers continue to call and ask for assistance and information on resolving the concerns they are experiencing. These calls constitute five percent of all calls to the CAO. In these situations, the CAO provides information about specific sections of *The Education Act* and provides strategies to assist the caller in resolving concerns.

Multi-Departmental Involvement

In 2002, two percent of concerns raised with the CAO involved multiple government departments. These calls often begin with the focus on one department/agency. However, as the issue is addressed, it becomes apparent that the issue requires the attention of several departments. Over the past few years, the total number of multi-departmental concerns has remained relatively small (12 in 2000; 43 in 2001; 20 in 2002).

Concerns Raised with Children's Advocate Office Regarding the Department of Justice
Closed Files – January 1, 2002 to December 31, 2002 (n=161)



* Concerns regarding the Saskatchewan Legal Aid Commission were previously reported under 'No Department Identified.'

Justice

Custody and Access calls continue to represent the majority of Justice related calls brought to the attention of the CAO. The CAO does not have the authority to review matters that are before the courts. However, individuals contacting the CAO are provided with referral information and strategies that may assist the caller in resolving the concern. Custody and access issues represent 13 percent of all calls to the CAO and 87 percent of all Justice calls.

Health

In 2002, the number of health related concerns totalled 31 calls or three percent of all CAO closed files. Calls in 2002 were primarily due to concerns regarding access to appropriate mental health services for children, access to drug and alcohol resources and concerns over surgical waiting lists for children.

1. **I have the right to live and to have my pain and suffering treated, even if I am unable to communicate my need. I have this right regardless of my age, gender or income.** (Article: 3, 6, 24)
2. **I have the right to be viewed first as a child, then as a patient.** (Article: 3)
3. **I have the right to be treated as an individual with my own abilities, culture and language.** (Article: 2, 23, 24, 30)
4. **I have the right to be afraid and to cry when I feel hurt.** (Article: 12)
5. **I have the right to be safe in an environment that is unfamiliar to me.** (Article: 9, 19, 24, 25)
6. **I have the right to ask questions and receive answers that I can understand.** (Article: 12, 13)
7. **I have the right to be cared for by people who perceive and meet my needs even though I may be unable to explain what they are.** (Article: 3, 5)
8. **I have the right to speak for myself when I am able and to have someone speak on my behalf when I am unable.** (Article: 12, 13, 14)
9. **I have the right to have those who are dear to me close by when I need them.** (Article: 3, 9, 31)
10. **I have the right to play and learn even if I am receiving care.** (Article: 28, 29, 31)
11. **I need to have my rights fulfilled.** (Article: 42)

(Canadian Institute on Child Health, 2001).

Learning

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Investigations

When and How does the CAO Conduct an Investigation?

The Ombudsman and Children's Advocate Act provides that the Children's Advocate has the responsibility to receive, review and investigate concerns involving services to children by provincial government departments or agencies. Individuals who contact the CAO often do not understand the distinction between "reviewing" and "investigating" a concern.

Formal investigations are an extension of individual advocacy services and represent a very small number of the individual concerns addressed by the CAO each year. For the most part, advocates try to assist in resolving the issues being raised. However, there are situations where the most appropriate process is to conduct a formal investigation.

The Act outlines the procedures and authority of the CAO to conduct investigations. Prior to commencing an investigation, the CAO is required to provide notice to the deputy minister of the department or the administrative executive head of the agency of government affected. In the course of conducting an investigation the CAO may:

- Require any person to provide information, documents or things regarding any matter being investigated.
- Summons and examine under oath any person who is able to provide information relating to the matter being investigated.
- Make recommendations to the provincial government. If, after conducting an investigation, the CAO determines that a provincial government decision/action is wrong, against the law, unreasonable, unjust, oppressive, discriminates, or is based on a mistake in interpreting the law or the facts of the case, recommendations may be made. The Children's Advocate may recommend changes to policies, procedures, or legislation or may recommend that the situation being investigated be rectified or a decision changed.
- Refuse to investigate or cease to investigate a complaint.

A Different Investigative Process

In September 2002, the Children's Advocate Office publicly announced that we would be investigating the services provided by the government and an ICFS agency to a 20-month old child. The child was very seriously injured shortly after he was returned to his family from foster care. Significant public attention regarding this matter prompted us to publicly announce our intent to investigate this matter. While it is unusual for the CAO to publicly announce an investigation of this nature, the decision was made to do so in the public interest and in accordance with the provisions of *The Ombudsman and Children's Advocate Act*.

In a display of good faith and in the interest of fully understanding the circumstances that led to the injury of this child, the Minister of Social Services and the First Nation agreed that a review of services provided by both agencies to this child and his family was imperative (Excecutive Council Media Services, October 7, 2002). The CAO agreed to participate in an inclusive investigative process whereby the CAO would conduct an independent fact-finding process to determine the facts in the case. In early 2003, the Children's Advocate will present these findings to a panel of representatives from the DSS and the First Nation agency. The panel will be responsible for analysis of the facts and for making recommendations, as appropriate. The Children's Advocate will sit as an observer during the analysis and recommendation stage. The government and the First Nation agency acknowledge the independence of the Children's Advocate and recognize that the Children's Advocate may make further recommendations as appropriate.

This is the first time the CAO has engaged in an inclusive investigative process such as this. We believe that this more inclusive and open process may assist in the implementation of the resulting recommendations, while also ensuring the public accountability that we believe is essential when tragedies such as this occur.

"Our determination is rooted in the knowledge that in furthering the best interests of children, the most effective actions must come from within the context of our own lives and hearts, and from listening to children and young people themselves. As members of the human family, each of us is responsible. All of us are accountable."

(Child Rights Information Network, May 2002).

Child Death Reviews (CDRs)

The CAO has conducted child death reviews for the past five years. To date, the CAO has completed reviews on the deaths of 82 children. Currently, the CAO is completing the review of 33 deaths of children that occurred in 1999. A public report on the findings and recommendations arising from the review of these deaths will be released in 2003. This means that in 2003 we will begin to review deaths of children that occurred in 2000.

The purpose of child death reviews is to increase awareness of the factors that contribute to deaths of children, to recommend changes to improve child-serving systems and to promote public accountability. The CAO examines the deaths of children who were, at the time of their death or in the 12 months preceding their death, receiving services from the Department of Social Services pursuant to *The Child and Family Services Act*, or *The Young Offenders Act (Canada)*, or were attending a facility or a family child care home licensed under *The Child Care Act*.

Our inability to provide timely child death reviews is unacceptable. This delay remains a serious problem that has been reported in previous annual reports as well as to the Board of Internal Economy during our last two budget presentations. Highlighted in each of these two presentations was the CAO's inability to provide timely reviews within the existing resource base.

The CAO is currently working with the Department of Social Services to identify a process to prioritize death reviews and complete them in a more efficient manner. However, even increased efficiencies will not avail adequate resources to complete timely reviews. In addition, the CAO is just beginning to receive notifications of child deaths from some of the 17 Indian Child and Family Services Agencies. Given that the deaths of all children receiving child welfare services are to be reviewed, either by the CAO per the DSS Death of a Child Policy or in accordance with a protocol established by the individual 17 Indian Child and Family Services agencies, the CAO anticipates increased pressure in this area when these agencies fully implement their child death review policies.

Status of Child Death Reviews
(as of December 31, 2002)[1]

Year	Death Notifications From the DSS	CAO File Closed	CAO CDR Open Files (Review Not Complete)
1996	4	4	0
1997	27	26	1
1998	34	33	1
1999	33	19	13
2000	30	0	30
2001	34	0	34
2002	25	0	25
Total	187	82	105

[1] Does not include notifications received from ICFS agencies or CPS (after April 1, 2002).

Multi-Disciplinary Review Team

In March 2002, the CAO Multi-Disciplinary Review Team (MDRT) was initiated to advise and assist the CAO with the review of child deaths. The MDRT was established in response to the National Standards and Guidelines for the Review of Child Deaths, which recommend that child death reviews include a multi-disciplinary approach.

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Child Death Reviews: Policy and Procedures

In 2002, the CAO completed the *Children's Advocate Child Death Reviews: Policy and Procedures Manual*. This manual will be available on the CAO website in the near future and is intended to:

1. Serve as a guide to persons exercising the powers of the Children's Advocate in respect of CDRs.
2. Provide guidelines and an understanding of fairness, consistent practice and quality CDRs.
3. Provide the CAO policy and procedures in an open and transparent manner for members of the public, government and others.

With the completion of the policy manual, information sessions were offered to agencies that wished to learn more about the principles and practices of investigations, as well as the specifics of the CAO process. To date, three ICFS agencies have participated in these sessions. The CAO also affirmed a protocol with the Royal Canadian Mounted Police at "F Division" in Regina and with Saskatchewan Learning regarding access to information.

Child Welfare: Issues for consideration in Canada

"1. Child welfare caseloads in Canada have been growing at an alarming rate—from 40,000 children in care in 1996 to an estimated 66,000 in 2001. This challenges our ability to provide the highest standard of quality of care and permanency for these children. We must also carefully and thoughtfully review this growth trend to examine better ways to provide services to children and families, and prevent admission to care, when it is preventable.

2. There is a growing crisis of workforce recruitment and retention for children's services. This problem is being experienced across Canada in all types of children's services—both the hiring of staff and recruitment of care providers, such as foster parents. We will need to seek creative solutions in an increasingly competitive market to attract and retain people, provide training in an environment that promotes excellence and job satisfaction, and determine how to integrate an aging workforce with a young one.

3. The use of scarce public resources is coming under increasing scrutiny by funders, government and the general public. Children's services organizations will need to be more vigilant in 'demonstrating' their worth—that is, accountability and outcomes. The need for interventions using 'evidence-based practice', accreditation standards and meaningful measures of outcomes are critical...

4. There is a major and growing concern that the Child Welfare Agenda is becoming increasingly controlled by the narrowest definition of legalistic and administrative determinants, which are externally driven. A more specific focus on child development and children's rights is required."

(Dudding, 2002 Spring).

Systemic Advocacy

On a systemic level, the Children's Advocate Office promotes and advocates for changes to government practice, policy or legislation respecting the interests and well-being of children. The Office advocates for improvements to processes through which the interests and viewpoints of children may be expressed, considered, and respected by government when it plans and implements services that impact on children. In addition, the Children's Advocate may make formal recommendations to Saskatchewan government departments or agencies relating to the interests and well-being of children.

Systemic Advocacy

One of the aims of an independent Children's Advocate is to promote respect for the rights of children. Systemic advocacy focuses on specific issues that are impacting children and youth across a service system. We work to influence legislators, policy-makers and practitioners to consider the rights of children and youth when decisions and plans are being made that impact on these young people.

Issues identified for systemic advocacy are generated through a review of the individual concerns raised with the office by youth, community advocates and professionals. In our experience most of the concerns are resolved satisfactorily and the CAO file is closed with no need for further action. However, while the individual advocacy file may be closed, broader issues may remain. There may be other children or youth who continue to be impacted by the law, policy or practice that was identified in one or more individual files.

The tables outlined on pages 32 to 37 of this report highlight the issues that have been prioritized in the CAO. These issues have been identified in previous annual reports and have been presented using the framework identified in the 2001 Annual Report. The tables provide a recap of the issues, an update on our actions in 2002, as well as proposed next steps for 2003. A new systemic issue, "Standards of care in residential Family Services and ICFS facilities," was added in 2002.

Youth Criminal Justice Act

On April 1, 2003, the new *Youth Criminal Justice Act* (YCJA) will come into force in Canada. This new federal Act will challenge our resources and service providers. The Act includes provisions that involve new administrative decisions that may be subject to review or investigation by the CAO. The potential for increased referrals to the CAO is unknown at this time. Based on our office's discussion with the Department of Corrections and Public Safety and the Provincial Court Judges, we anticipate that youth and their families will find the provisions of the Act confusing and complex at best. In November 2002, the CAO presented our concerns to the Commission on First Nations and Métis Peoples and Justice Reform and to the Saskatchewan Provincial Court Judges Association.

Did you know...

- **Saskatchewan has the highest provincial rate of youth sentenced to custody. The rate is more than double the Canadian rate.**
(Department of Justice Canada, December 2002)
- **Saskatchewan has the second highest provincial rate of bringing cases into youth court; only Manitoba has a higher rate.**
(Department of Justice Canada, December 2002)
- **Only 15% of children and youth in Saskatchewan are of Aboriginal origin. However in 1998 to 1999, 67% of youth in secure custody, 72% of youth in open custody, and 56% of youth on probation in Saskatchewan were of Aboriginal origin.**
(Forensic Phychology Laboratory, Univeristy of Saskatchewan, April, 2002)

Opportunities and Challenges of the YCJA

How the provisions of the YCJA are implemented and interpreted when the Act is proclaimed will set the course for the future. The Act gives an opportunity to reduce the use of custody and also increases the risks that custody will be used when either the young person or the system fail to keep their part of the deal.

The YCJA will not be successful if we do not commit the time and provide the resources for these provisions to really work. In Saskatchewan, we are going to be very seriously challenged to make this happen, especially in more remote and rural areas. The CAO is also concerned that some provisions will only be acted upon in a very minimal way, thus increasing the risk that these youth will be in custody rather than reducing the use of custody, which is the goal.

"More frequently across the United States, young people are delivering justice to their peers who have engaged in their first delinquent act or other problem behavior. At the same time, these young people are learning important citizenship knowledge and skills. Youth courts, also known as teen courts and peer juries, involve volunteers from eight to 18 years of age in sentencing their peers for crimes, traffic infractions, or school rule violations...As of 2002, the number of youth courts (in the United States) is rapidly approaching the 1,000 mark nationwide. In addition, there are 15 states with youth court associations that promote and support youth courts."

(American Bar Association, March 2002).

The systemic issues that the CAO is currently working on could find some resolution in the new Act, if the spirit of the Act is indeed implemented. While the YCJA clearly reflects a strong preference for non-custodial sentences wherever possible, reserving the most serious intervention for the most serious crimes, the non-custodial provisions will seriously stress the existing community-based service system. A way must be found to ensure that the community based programs — in all communities, including the near and far north and on-reserve communities — receive the supports they need to provide at least a minimum level of service. Otherwise, it will be the youth who are punished and blamed when the support systems are unable or unwilling to provide the required level and quality of on-going, meaningful support.

Section 83 of the YCJA states that "the purpose of the youth custody and supervision system is to contribute to the protection of society by (a) carrying out sentences imposed by courts through safe, fair and humane custody and supervision of young persons..." (Canada. *Youth Criminal Justice Act*, 2002). This emphasizes once again the need we have repeatedly raised with government for clear standards of care, including a monitoring process to ensure that the standards are in fact met in practice. Without a clear set of standards and without an active monitoring system, the treatment of youth in custody will vary from excellent to very poor and will continue to be dependent on the good will of the "system."

Another area that will require our vigilant attention will be in relation to the custody and supervision orders. Unlike the YOA, the YCJA provides that all custody orders include a period of supervision in the community. The notion of re-integrative custody, which recognizes that from the time the young person enters custody, efforts are to be directed at eventual successful reintegration back into the community, is a laudable goal.

There has to be continuity between the programs and services offered in both the custody and community portions of the sentence and significant support provided during the critical transition period faced by youth leaving custody. For example, there are no minimum requirements regarding the level of contact youth workers must have with the youth who are serving community-based orders now, although CPS has drafted standards to be introduced with the YCJA in April 2003.

In order for successful re-integration planning to occur, young people will need their families and their communities to really "buy" in to their rehabilitation. We will need plans that these young people themselves understand and have the capacity to act on. Many of the youth in custody have been disconnected from the formal educational system long before coming into custody. Many of these youth have developmental or other learning or behavioral problems that, for the most part have not been adequately assessed. Individualized caseplans have not been developed with the youth, let alone with his or her family and community members.

We need to find ways to use the provisions of this new Act to improve how the justice system, in a community context, will better serve the youth of Saskatchewan. If we fail to capture in practice what this Act is saying to us in principle, we really fail these young people yet one more time. For many of these young people, failure, apathy and even abuse are what they expect from those around them and we all know that they deserve more from us. They deserve our energy, our commitment to success and they deserve a safe and dignified world in which to live and continue to grow up.

"Until communities accept their responsibilities, no amount of investment in formal justice services will make a significant difference in the overall well-being of a community. Rather, the less responsibility the community takes and the more the state assumes, the more community wellness will suffer... We speak of rehabilitation, of protecting the public, but the justice system often simply moves individuals like widgets through an assembly-line process. In that process, jail simply moves the widgets (the offenders) out of sight for a period. Without investing in family and community reintegration, jail bestows upon the future justice officials and generations the difficult problems we could not, or did not, successfully address. To prove the genuineness of our words about rehabilitation and public safety, the justice system must dramatically improve our capacity to persist, long after sentencing, in the work needed to bring the young and the old, women and men, back from jail into our communities in a good way. That work begins, not when they leave jail, but when they enter jail. If we seek to have offenders return to our communities, we must go to jail with them, be with them and demonstrate our genuine desire to reconnect them to our families and communities. If the families and communities leave this difficult work to the state, they cannot expect, and do not deserve, to find an offender capable of returning as a person willing and able to respect our needs... Reintegration must accompany punishment. Without immediate, genuine efforts to reintegrate, punishment alone will generate greater disconnection from family and community, and thereby greater risks of further danger. People disconnected from families and communities are dangerous... If reintegration and support begin only after jail, for many it will be too little, too late."

R. v. M.N.J., (2002), YJ. No. 49, (2002), YKTC 15, No. 01-00252.

A Summary of Systemic Advocacy Issues

	Systemic Concern[1]	Desired Outcome	Background
Standards of care in residential custody facilities	• Residential open and closed custody facilities operated by Corrections and Public Safety (CPS) are not required to comply with the basic facility standards outlined in *The Residential Services Act*. • Services at these facilities are provided in accordance with a set of policies. However, the existing policies have not been consistently applied across facilities.	• That standards of care be developed, which clearly outline basic standards of care for youth in custody facilities. These standards must include quality assurance mechanisms, performance expectations and systematic processes to monitor compliance with those standards.	• There have been significant changes and improvements to the facilities, policies and to programs provided in the past few years. However, there are still areas requiring improvement. • The CAO has repeatedly recommended establishment of minimum standards of care for all custody facilities operated by the government. • The responsibility for these facilities was transferred from the DSS to CPS in 2002.

Treatment of youth held in RCMP cells and/or waiting to be transported by the RCMP	• Treatment of youth being held for up to several days in RCMP cells while they are waiting to appear in a provincial court or to be transferred to a youth facility. Issues include:
	  ▪ Limited and usually no access to family visits, exercise, school, and appropriate options to maintain personal hygiene; and
	  ▪ Safety of youth in relation to adult prisoners who are being transported with the youth.
		• That there be clear, appropriate standards for the holding and transporting of youthful offenders in Saskatchewan. These standards need to be consistent with international rules that protect juveniles deprived of their liberty and they need to be consistently applied throughout Saskatchewan. These standards need to ensure that youthful offenders are treated with dignity keeping in mind that young people who are deprived of their liberty are highly vulnerable to abuse, victimization and the violation of their rights.	• Youth, RCMP and community members regularly contact the CAO with concerns about inadequate access to appropriate holding facilities and transport (particularly for northern youth).
			• The RCMP completed a *Prisoner Escort and Transportation Review* (1999). The review's conclusions and recommendations have yet to be implemented.
			• The CAO has raised this issue in correspondence to the DM's of the DSS, Justice since 1997.
			• The CAO has met with the RCMP who are also very concerned about these issues.

Supervision of youth in provincial court cells	• Over-crowded conditions in poorly designed, inadequate facilities, particularly in circuit courts contribute to ongoing problems.
	• Safety of youth while being held in the provincial court holding cells. Issues include:
	  ▪ Intimidation/assaults by other youth;
	  ▪ Long waits;
	  ▪ General staff and youth safety;
	  ▪ Property damage;
	  ▪ Over-crowding; and
	  ▪ Limited access to private toilets.
		• That youth held in any facility, including the holding cells attached to the provincial courts, will be cared for and protected in accordance with Article 3 of the UN *Covention on the Rights of the Child*, with "standards established by the competent authorities, particularly in the areas of safety, health, in the number and suitability of staff, as well as competent supervision" (United Nations, 1991).	• First identified as an issue in 1996.
			• Concerns in some locations (Regina) are now minimal as a result of changes introduced by Saskatchewan Justice. However there are locations where the issues are persistent and not resolved, particularly in Saskatoon and many northern communities.
			• In 2001, the Saskatchewan Court Securities Review Committee released a report. The report's recommendations, if acted upon, would alleviate many of the issues that are repeatedly identified to the CAO.

Educational experiences of youth in custody facilities	• Concerns regarding how *The Education Act* is applied for youth who are attending an educational program in a secure custody facility.
	• The provision of educational services for youth in custody facilities. Issues include:
	  ▪ Program needs;
	  ▪ Resources for youth with high needs and special educational requirements; and
	  ▪ Accreditation standards.
		• That government will clearly identify how *The Education Act* applies to youth in custody.
		• That youth in custody facilities or other residential facilities will have access to appropriate, fully accredited educational programs that are at least equivalent to those provided in the community by a board of education.
			• First identified as an issue in 1998.
			• Rule 38 of the *United Nations Rules for the Protection of Juveniles Deprived of Their Liberty* states that: "Every juvenile... has the right to education suited to his or her needs and abilities... Such education should be provided outside the detention facility in community schools wherever possible and, in any case by qualified teachers through programmes integrated with the education system of the country..." (UNICEF, 1998).

[1] **Note:** Individual advocacy concerns raised by young people are not included. Advocacy actions and responses to individual issues are ongoing.

Youth in Conflict with the Law

Progress in 2002	Next Steps for 2003
• CPS has advised that they are implementing a new unit to address training, standards and quality assurance. They also advised that new policies are being written and all existing policies are being reviewed and rewritten to meet the intent of the new YCJA. The policies are to include statements relating to standards of care in provincial policies and procedures. • The CAO became a participant in the Partners Project initiated by CCPCYA to animate youth voices on national standards for youth custody facilities.	• The CAO welcomes the development of the standards and quality assurance process announced by CPS and will review these in relation to international standards. • The CCPCYA Partners Project will be completed and the findings reported as soon as they are available.
• In September 2002, the CAO met with representatives from the RCMP and Corrections and Public Safety (CPS). The CAO was informed that a sub-committee of the RCMP Prisoner Escort and Transportation Review Committee has been created to address the specific concerns as they relate to the holding and transportation of youth. The committee is comprised of representatives from the RCMP, CPS and Justice. The CAO was informed that we will be updated on the progress of the committee.	• The CAO will continue to monitor the progress of the sub-committee and any action plans that are developed. Further action by the CAO will be determined by the outcomes proposed by this sub-committee. • The CAO will also continue to pursue public education strategies to assist youth in contacting the CAO. The CAO will be discussing, with both CPS and the RCMP, strategies for increasing the awareness of the CAO for youth who are being held or transported.
• The CAO requested and received information regarding standards for space requirements for holding cells. Currently, there is no rated capacity for how many individuals can be held in the cells at one time. • Justice has been attempting to manage crowding concerns by transporting youth from holding cells back to the facilities more quickly. Consideration is once again being given to video-conferencing some preliminary court matters with the goal of reducing the need to have individuals appear in court for every matter. Failing such alternatives, physical changes to the structure of facilities will be required to alleviate the overcrowding situations. • The CAO has recently produced public education material that will be made available to youth that are being held in court cells.	• The CAO is negotiating with Justice and CPS to make the CAO public education information available and accessible for youth in court cells around the province. • The CAO will continue to respond to concerns that are being raised regarding any unsafe circumstances youth are facing while being held in court cells. • The CAO will discuss with government their planned response to the Saskatchewan Court Securities Review Committee's comprehensive report dealing with the concerns raised regarding safety in court cells.
• CPS advised the CAO that the departments of Saskatchewan Learning and CPS have established a vision, where they: "Believe that the right of school aged youth to achieve a standardized, quality education, and the opportunity for older youth to continue and/or to resume their education, should not be compromised by their entry into custody programs and/or their return to their own or another community upon release" (Corrections and Public Safety, January 10, 2003). The CPS has indicated to the CAO that they are developing plans to share this vision with key stakeholders. • Facility educators have begun attending professional development days, in-service training and curriculum review with educators from the local community boards of education.	• The CAO will continue to press to have the vision statement, developed by Saskatchewan Learning and CPS, implemented to its full potential.

A Summary of Systemic Advocacy Issues

Systemic Concern[1]	Desired Outcome	Background

Mental health services	• Access to services for children and youth with mental health issues. Issues include:
	  • Waiting times to access assessment and treatment;
	  • Appropriateness of some inpatient programs for child/youth patients and the need for child/youth oriented services; and
	  • The rights of the children/youth to participate in decision-making about the services provided to them.
		• That children and youth in all parts of our province have timely access to appropriate mental health services.
		• That children and youth are informed of their rights in the mental health system, including their rights to privacy, to participate in case and treatment planning, and to an appeal process in the event of a disagreement about a decision.
			• Mental health services for children, youth and their families are provided through a variety of programs, including community-based and inpatient services.
			• Although the number of concerns raised with the CAO has been limited (23 between 1999-2001; 9 in 2002), the complaints have been compelling.

Services for children with disabilities	• Access to services for children with disabilities. Issues include:
	  • Timeliness and appropriateness of service;
	  • The need for specialized educational programs, speech and language pathology services and psychological assessments; and
	  • Limits to availability of service in rural/remote areas of the province.
	• Procedures that require parents to place a child, who is not in need of protection, in an out-of-home placement under child protection legislation, in order to acquire certain services for their child.
		• That all children, regardless of geographic location or vulnerabilities, will be provided with an adequate level of support and intervention services to enable them to live their lives in an optimal manner. This ideal is one that is shared by parents and service providers and one that challenges our province to determine what an optimal level of support will include.	• First identified as an issue in 1994.
			• In 2001 the CAO received numerous complaints from a group of parents who collectively identified issues related to limited access to services -- particularly speech and language pathology services. Each Health Authority provides different levels of services and several challenges have been identified by the CAO.
			• In 2001, the CAO attended several meetings with parent groups and various government officials to determine the extent of this issue and to ascertain the extent of the problem.

Dispute resolution in the school environment	• There is a need for independent review and appeal processes when disagreements occur between the student or parent and the school. A formal mechanism is required to ensure that a student or parent who is in dispute with a board of education will be provided with access to processes to resolve the dispute and to a fair and independent review in the event that the dispute is not resolved.	• That an external, independent review process be developed that parents and/or students can access to have complaints/issues regarding school services resolved and/or reviewed. • That all students and their parents have access to procedures established by the board (of education) for the purposes of investigation and mediation of any differences or conflicts arising in the relationship of a pupil to the school (section 148 of *The Education Act*). • That the school board is required to make appropriate provisions for the child's education when students under the age of 16 are suspended or expelled from school. • That clear provisions be established to ensure that a child's right to an education is respected when the child has special needs, including behavioral problems.	• While the CAO does not have legislated authority to formally review decisions of boards of education, parents and students regularly call for assistance in resolving disputes or other matters related to decisions of boards of education. • The CAO presented these issues to both the Special Education Review Committee (March 1999) and to the Task Force and Public Dialogue on the Role of the School (August 1999). In response to the Final Report of the Task Force, the CAO prepared a detailed analysis of existing Canadian legislation and policies as these relate to dispute resolution processes in schools in Canada, entitled Dispute Resolution in the School Environment.[2] The CAO provided this information to the Minister of Education.[3] The Minister was urged to formalize a dispute resolution process.

[1] **Note:** Individual advocacy concerns raised by young people are not included. Advocacy actions and responses to individual issues are ongoing.
[2] **Note:** A summary of this report was provided in the 2001 CAO Annual Report. A complete copy of the report is available from the CAO.
[3] **Note:** Saskatchewan Education reconfigured to Saskatchewan Learning as of April 1, 2002.

Health, Education and Multiple Department Issues

Progress in 2002	Next Steps
• The CAO met with Mental Health Services Child & Youth Managers and arranged for CAO staff to visit each Mental Health Services agency across Saskatchewan. • The CAO began to review documents relating to the quality and quantity of mental health services for children and youth in Saskatchewan.	• The CAO will contract a researcher to complete a literature review of recent Canadian/Saskatchewan based information/literature regarding the availability and effectiveness of mandated and other mental health services for children and youth. • CAO staff will meet with staff and youth from various Mental Health Services agencies in Saskatchewan to increase awareness of the CAO with agency staff and clients.
• In 2002, the government established an Associate Deputy Minister (ADM) Steering Committee comprised of ADMs from the major departments that deal with disability issues. This committee is in the process of identifying priorities and specific action plans. • The CAO continued to receive calls from individuals and organizations concerned about access to services for children with disabilities. The CAO has reviewed these concerns with the Community Living Division and the Office of Disability Issues in an effort to raise the awareness of the concerns with the decision-makers. • The CAO met with and provided information to individuals, groups and organizations outlining self-advocacy strategies.	• The CAO is awaiting the government response to the Disability Action Plan that was developed in 2001. Upon release of their response, the CAO will assess the plan and determine appropriate further action. • The CAO is committed to continuing to bring the issues forward to the decision-makers.

• In February 2002, the Deputy Minister for Saskatchewan Education advised the CAO that the Regional Directors of Saskatchewan Education were working with the school divisions to ensure that every school division in Saskatchewan had policies related to *The Education Act 1995*, section 148. At that time, approximately half of the school divisions had policies on file with their respective regional offices and the Deputy Minister anticipated that the remainder would be in place by the end of the year.
• Saskatchewan Learning invited the CAO to meet quarterly to discuss and review matters of mutual interest. The first of these quarterly meetings was held in November 2002 and progress was reported in areas such as:
  ▪ increased parent and student access to dispute resolution mechanisms;
  ▪ policies to address behavioral and other discipline concerns; and
  ▪ the initiation of a student tracking system, which the CAO, with others, has identified as a priority.
	• The CAO will request updates on the progress of Saskatchewan Learning in ensuring that all school divisions have policies regarding section 148 of *The Education Act*. The CAO will continue to meet regularly with senior officials in Saskatchewan Learning in this regard.
	• The Children's Advocate has been appointed as an ex-officio member of the newly formed Saskatchewan Council on Children and Youth and will work in her capacity on this Council to promote the fair treatment of children in all of the *School Plus* Initiatives.

A Summary of Systemic Advocacy Issues

Safeguards for children and youth in foster and group home care[2]	• Ensure that children and youth who live in the care of government are provided with the care to which they are entitled. • More children are coming into foster/group home care every year, in Saskatchewan and Canada. Child welfare authorities are struggling to provide appropriate quality care. • In Saskatchewan, over 70 percent of the children and youth living in care are Aboriginal children. This fact challenges child welfare authorities to review current practices and, with First Nations, Metis Nation and other Aboriginal peoples, find solutions to this urgent problem.	• That Saskatchewan families are supported to care for their own children, while ensuring that the children and youth who are in the care of government are safe and receiving the quality services to which they are entitled. (*Children and Youth in Care Review*, 2000)	• First identified as a priority issue in 1994. Since that time, approximately 35 percent of all CAO concerns raised each year concern Family Services issues. • In June 1998, the CAO released its review of the death of Karen Quill. The DSS made changes following the report, which were documented in two progress reports. • In April 2000, the CAO released the *Children and Youth in Care Review: LISTEN to Their Voices*, an external, independent review of the foster care system in Saskatchewan. In June 2001, the DSS publicly responded and announced a major redesign of child welfare.
Standards of care in residential Family Services and ICFS facilities	• Group homes and residential facilities operated by the DSS are not required to comply with the basic facility standards outlined in *The Residential Services Act*. • Services at these homes/facilities are provided in accordance with a set of policies, which are not consistently applied. • ICFS agencies have recently established a number of group homes intended to provide, at minimum, an equivalent level of service as is provided by government operated homes/ residential facilities. Standards in ICFS group homes is an emerging issue in the CAO	• That standards of care be developed, which clearly outline basic standards of care for group homes/residential facilities. Standards must include quality assurance mechanisms, performance expectations and systematic processes to monitor compliance with these standards.	• The CAO receives calls each year from youth who are concerned about the programs and services provided to them in residential facilities, such as group homes and other treatment facilities. • The CAO has repeatedly recommended that Saskatchewan establish minimum standards of care for all group homes or residential facilities operated directly or indirectly by the government.

[1] Note: Individual advocacy concerns raised by young people are not included. Advocacy actions and responses to individual issues are ongoing.
[2] Note: For more detailed information on this subject, please consult the CAO website: www.saskcao.ca.

NATURE OF INVOLVEMENT	NUMBER OF CHILDREN/YOUTH			
	March 1999	March 2000	March 2001	March 2002
Apprehended, Matter before Courts	791	789	692	737
Section 9: Voluntary Agreements	727	881	826	750
Temporary: One year or less	162	184	187	163
Permanent: Until age of majority	510	442	429	391
Long-term care orders:	446	587	705	814
Section 56: Agreement for service to previous ward 18 to 21 years, so that education may continue.	74	64	67	84
Total in Care	2,710	2947	2906	2939
16/17 Year-Old Program[2]	320	293	313	364
Total Children in Care under The Child and Family Services Act[3]	3,030	3240	3219	3303

Note 1: Excludes children in care of the Community Living Division.

Note 2: Includes only those youth in this program under a Section 10 agreement. Services for 16 and 17 year-olds became a separate program in 1995-96. It combines child welfare, youth services and income support for youth and provides a single entry point for services. Because it was a new program, tracking systems were in development. There was initial reporting of the youth being served in 1996, incomplete reporting in 1997, then full reporting from 1998 onward.

Note 3: The total children in care under *The Child and Family Services Act* does not include children brought into care by ICFS agencies. Therefore the 1042 in care with ICFS agencies as of March 31, 2002, is not included.

Sources: Saskatchewan Social Services. (personal communication, February 12, 2003); Saskatchewan Social Services. (personal communication, February 13, 2003); and Saskatchewan Social Services. (March, 1999). Quarterly Statistical Reports. Regina: Author.

A Summary of Systemic Advocacy Issues

Systemic Concern[1]	Desired Outcome	Background
Safeguards for children and youth in foster and group home care[2] • Ensure that children and youth who live in the care of government are provided with the care to which they are entitled. • More children are coming into foster/group home care every year, in Saskatchewan and Canada. Child welfare authorities are struggling to provide appropriate quality care. • In Saskatchewan, over 70 percent of the children and youth living in care are Aboriginal children. This fact challenges child welfare authorities to review current practices and, with First Nations, Metis Nation and other Aboriginal peoples, find solutions to this urgent problem.	• That Saskatchewan families are supported to care for their own children, while ensuring that the children and youth who are in the care of government are safe and receiving the quality services to which they are entitled. (*Children and Youth in Care Review*, 2000)	• First identified as a priority issue in 1994. Since that time, approximately 35 percent of all CAO concerns raised each year concern Family Services issues. • In June 1998, the CAO released its review of the death of Karen Quill. The DSS made changes following the report, which were documented in two progress reports. • In April 2000, the CAO released the *Children and Youth in Care Review: LISTEN to Their Voices*, an external, independent review of the foster care system in Saskatchewan. In June 2001, the DSS publicly responded and announced a major redesign of child welfare.
Standards of care in residential Family Services and ICFS facilities • Group homes and residential facilities operated by the DSS are not required to comply with the basic facility standards outlined in *The Residential Services Act*. • Services at these homes/facilities are provided in accordance with a set of policies, which are not consistently applied. • ICFS agencies have recently established a number of group homes intended to provide, at minimum, an equivalent level of service as is provided by government operated homes/ residential facilities. Standards in ICFS group homes is an emerging issue in the CAO.	• That standards of care be developed, which clearly outline basic standards of care for group homes/residential facilities. Standards must include quality assurance mechanisms, performance expectations and systematic processes to monitor compliance with these standards.	• The CAO receives calls each year from youth who are concerned about the programs and services provided to them in residential facilities, such as group homes and other treatment facilities. • The CAO has repeatedly recommended that Saskatchewan establish minimum standards of care for all group homes or residential facilities operated directly or indirectly by the government.

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[2] **Note:** For more detailed information on this subject, please consult the CAO website: www.saskcao.ca

Children/Youth in Care by Nature of Involvement Under *The Child and Family Services Act*, March 1999 to March 2002

NATURE OF INVOLVEMENT	NUMBER OF CHILDREN/YOUTH			
	March 1999	March 2000	March 2001	March 2002
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Social Services and ICFS Issues

Progress in 2002	Next Steps
• In spite of the best efforts of the child-welfare system, the numbers of children coming into foster and other out of home care is increasing across Canada and in Saskatchewan. • Saskatchewan has undertaken a major redesign of the child welfare system and is working diligently to implement this new system across the province. The CAO is supportive of these initiatives. • The CAO continues to promote increased involvement and inclusion of children and youth themselves in child welfare planning and decision-making. The expansion of the Saskatchewan Youth in Care and Custody Network in Saskatchewan is a positive step. • The CAO continued to be a participant in the Centre of Excellence for Child Welfare and the Western Provincal Working Group on Permanency Planning.	• The CAO is planning a comprehensive review of government progress in relation to the recommendations made by the CAO in our 2000 report, *Children and Youth in Care Review: LISTEN to Their Voices*. • The CAO recognizes the significant progress that the DSS has made by introducing a quality assurance process designed to monitor the quality of services provided to children in care.
• This systemic issue concerning standards in youth residential family services facilities was reported with the systemic concern regarding standards in custody facilities in previous years. Due to the creation of the department of Corrections and Public Safety (CPS) this issue is now being reported separately. • The CAO continues to pursue this issue with the DSS. • The First Nations Directors Working Group has established a sub-committee to draft standards for implementation.	• The CAO is developing plans to host a roundtable discussion on group home and residential treatment standards. • The CAO will follow-up with the First Nations Directors Working Group regarding standards in ICFS operated group homes.

Caring for Children in Care

In spite of the best efforts of the child welfare system, the numbers of children coming into foster and other out of home care is increasing across Canada and in Saskatchewan. As of March 31, 2002 there were 3303 children in care of the Minister of Social Services under *The Child and Family Services Act* and there were 1042 children in care of the Minister who were being provided services by Indian Child and Family Services agencies (Indian and Northern Affairs, 2003). Saskatchewan has undertaken a major redesign of the child welfare system and is working diligently to implement this new system across the province. This child welfare redesign, supported in principle by the CAO, clearly articulates a vision for children to live safely with their families and/or extended families. The need for quality care for those children who are "in care" is clearly recognized and needs to be fully realized. In 2003, the CAO is planning a comprehensive review of government progress in relation to the recommendations made by the CAO in our 2000 report, *Children and Youth in Care Review: LISTEN to Their Voices*.

In addition, the CAO continues to promote increased involvement and inclusion of children and youth themselves in child welfare planning and decision-making. The expansion noted in the Saskatchewan Youth in Care and Custody Network is an important affirming commitment that the DSS has made, with the young people themselves, to ensuring this inclusion. There are still challenges in relation to including young people in their own plans of care, as evidenced by the individual advocacy issues raised with the CAO by young people or others on their behalf.

Community Advocacy

In addition to the specific systemic issues files, the CAO also identified a set of issues and activities that we define as Community Advocacy. These community-based advocacy issues regarding the well-being of children emerged in our Office through a variety of channels.

The CAO is committed to staying informed on these matters and, where appropriate, raising awareness of the issue among children, youth and adults. For children's well-being, interests and rights to be appreciated, they must be understood. Producing and disseminating information about children's well-being and children's rights, explaining how those rights can be enforced, why those rights are important and the responsibilities we have to respect rights is an important function of the CAO. The CAO regularly participates in events or meetings which we believe will further the well-being, interests and rights of Saskatchewan children.

Community Advocacy

School Plus and the New Saskatchewan Council on Children and Youth

In March 2001, the Task Force and Public Dialogue on the Role of the School released its report: *School Plus: A Vision for Children and Youth*. In February 2002, the Government of Saskatchewan responded with its report: *Ensuring the Well-being and Educational Success of Saskatchewan's Children and Youth*. The provincial response was presented as a shared plan of action for several government departments, including Social Services; Health; Justice; Learning; Culture, Youth and Recreation; and Intergovernmental and Aboriginal Affairs. The vision of School Plus, as proposed by the Task Force was strongly endorsed by the government. One of the structures established to implement this vision of School Plus was for a newly configured Saskatchewan Council on Children and Youth. The Children's Advocate was an ex-officio member of the former Saskatchewan Council on Children and continues as an ex-officio member of the newly formed Council. The role and membership of this new Council was expanded and the Council has responsibility to oversee the implementation of the School Plus vision. The new Council had its inaugural meeting in October 2002 and will begin its work early in 2003.

"I believe that most Canadians would agree that the health and well-being of our children needs to be the central element of our social policy. If we can invest our time and resources in ways that improve the quality of life for vulnerable children, and help all children achieve their full potential, we will certainly realize returns in economic prosperity and reduce the burdens associated with crime, social welfare, and health. But we also stand to create a society that is more tolerant and socially inclusive—in short, a better place for everyone to live. Many accounts of childhood vulnerability argue that governments need to spend more money to reduce the number of children living in poverty. This is true; we do. But we also need to make other kinds of investments as well. As we enter this new era in Canadian social policy, I hope we can rethink our investment strategy, so that families are better able to provide the love, care, and support that are essential for healthy child development."

(Willms, 2002).

It is anticipated that this new Council will build on the recommendations of the Third Report of the former Saskatchewan Council on Children. The recommendations of this report, *Making it Happen* (September 2002) were organized into four major sections. The first section recommended "that government complete an analysis of the multitude of studies and reports commissioned over the last number of years to develop a coherent master plan to guide future public policy development and the delivery of services" (Saskatchewan Council on Children, September 2002). The recommendations in the second section focused on ensuring community voice and evaluating outcomes of government-community partnerships. In the third section, the Council proposed that one of the best ways to strengthen families is to ensure that their basic needs for shelter, food, security, social supports and learning are met. Finally, in the fourth section, Council built on the recommendations contained in the Council's Second Report and on the recommendations of the *Mind the Gap* Youth Leadership Conference. The Council strongly urged government to build on the work that is already underway while building capacity within community and families to ensure that Saskatchewan children and youth have opportunities to develop to their full potential.

There will be much to do to truly involve and engage Saskatchewan citizens in the implementation of the School Plus vision. It will be important for all of us to have a comprehensive understanding of this vision and to contribute our voices and actions to successful outcomes with and for our children and young people.

Canadian Council of Provincial Child and Youth Advocates (CCPCYA)

The CCPCYA welcomed the newly appointed Child and Youth Advocate from Newfoundland and Labrador to the Council in 2002. There are now only two provinces, Prince Edward Island and New Brunswick, without a provincially appointed independent officer promoting and protecting children's rights. To date, none of the Territories have appointed such an officer. Saskatchewan's Children's Advocate continued as President throughout 2002 and the priorities identified in 2001 continued into 2002. The Council continued with the project to review the needs and issues of children and youth living in permanent care, securing a commitment from the Provincial Child Welfare Directors to support an application for research to explore this important area of child welfare in more detail. In addition, the Saskatchewan CAO continued to be committed to the Partner's Project, lead by the Ontario Advocate. Incarcerated youth from across Canada are being interviewed to ensure that youth voice is animated and included in any activities designed to create standards of care for youth in custody. The Council has also communicated its support of the recommendations of the *First Nations Child and Family Services Joint National Poliy Review* with the goal to strengthen First Nations child welfare services and agencies. These projects are ongoing and will be the focus of our work in 2003.

Provincial Child and Youth Advocates: From left to right: Lloyd W. Wicks, Newfoundland; Judy Finlay, Ontario; Celine Giroux, Quebec; Janet Mirwaldt, Manitoba; John Mould, Alberta; Paul Pallen, British Columbia; Deborah Parker-Loewen, Saskatchewan. Missing Janet McKinnon, Nova Scotia. Photo taken at CCPCYA National Meeting, October 2002.

The Council was also pleased that our member from the Commission des droits de la personne et des droits de la jeunesse from the province of Quebec attended a meeting of the European Network of Ombudspersons for Children (ENOC). ENOC, a European network similar in structure to our Canadian Council, is exploring ideas for the creation of an international association of independent human rights institutions for children.

Sexual Exploitation of Children/Youth

In March 2002, the Legislative Assembly of Saskatchewan introduced *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*. The Act came into effect on October 1, 2002. The legislative changes are significant and clearly recognize sexually exploited children and youth as victims of abuse and provide penalties against those who abuse them. This is one more positive step towards protecting children.

In addition, an amendment to *The Highway Traffic Act* (HTA) was made, which gives police and the RCMP the ability to charge someone who, without lawful excuse, repeatedly frequents areas where prostitution occurs or where children and youth are exploited through prostitution. The driver and passengers can be charged and if convicted are subject to a fine of $5,000.00. If a perpetrator is found with a child in his or her vehicle and charges are successful under the HTA, the perpetrator can lose his or her car for good.

Infant Mortality

Worldwide, the rate of infant deaths is of concern. The United Nations (UN) has identified, as a priority for the next decade, the need to reduce the infant and under-five mortality rate by at least one third, in pursuit of the goal of reducing it by three quarters by 2015 (United Nations, October 11, 2002). Recognizing that the infant death rate is as high as ten percent to 20 percent in poorer countries, Canada's rate of 5.5 infant deaths per 1,000 live births remains high compared to other industrialized countries. Saskatchewan has the highest infant mortality rate among the ten provinces at 8.9 infant deaths per 1,000 live births. This is significantly above the Canadian average. The Saskatchewan Institute on Prevention of Handicaps published a comprehensive document: *Perspectives on Perinatal and Infant Mortality: A Literature Review* that provides an overview of definitions and statistics and sets Saskatchewan's infant death rate into a more understandable context. Clearly, the evidence tells us that Saskatchewan has a problem that we must address. The goal, to reduce infant mortality in Saskatchewan, must be fully supported.

Infant Mortality Rates: Canadian, Provinces and Territories 1991-1997 (Rates per 1,000 live births)

	1991	1992	1993	1994	1995	1996	1997
CANADA	6.1	6.1	6.3	6.3	6.1	5.6	5.5
Newfoundland	7.8	7.1	7.8	8.2	7.9	6.6	5.2
Prince Edward Island	6.9	1.6	9.1	6.4	4.6	4.7	4.4
Nova Scotia	5.7	6.0	7.1	6.0	4.9	5.6	4.4
New Brunswick	6.1	6.3	7.2	5.4	4.8	4.9	5.7
Quebec	5.9	5.4	5.7	5.6	5.5	4.6	5.6
Ontario	6.3	6.3	6.2	6.0	6.0	5.7	5.5
Manitoba	6.4	6.8	7.1	7.0	7.6	6.7	7.5
Saskatchewan	**8.2**	**7.3**	**8.1**	**8.9**	**9.1**	**8.4**	**8.9**
Alberta	6.7	7.2	6.7	7.4	7.0	6.2	4.8
British Columbia	6.5	6.2	5.7	6.3	6.0	5.1	4.7
Yukon	10.6	3.8	7.9	2.3	12.8	—	8.4
Northwest Territories	12.2	16.7	9.6	14.6	13.0	12.2	10.9

Source: Statistics Canada. (1999). *Health Statistics at a Glance*. Catalogue Number: 82F0075XCB. Ottawa. Cited in Saskatchewan Institute on Prevention of Handicaps, 2002.

The CAO has been exploring, with the support of the Child Death Advisory Committee, options for the review of all child deaths in Saskatchewan. The departments of Health and Social Services have agreed that the review of the infant deaths appears to be a place to start. The CAO has been invited to participate in further discussions to expand the role of the existing Perinatal and Maternal Mortality Study Committee of the College of Physicians and Surgeons. A proposal to expand the perinatal death reviews (live births and still births) to include a review of infant deaths (up to age one year) is currently being examined by Saskatchewan Health. This discussion is continuing and it is hoped that a final decision and action on this matter will occur in 2003.

Custody and Access

In November of 2002, the Final Federal-Provincial-Territorial Report on Custody and Access and Child Support was presented. This report was the result of The Custody and Access Project of the Federal-Provincial-Territorial Family Law Committee. Extensive research and consultations with youth, families, professionals, advocacy groups and interested Canadians was conducted in the development of the report. The vast majority of youth who participated in the consultations recommended that services and divorce legislation provide a way for their voice to be heard. The Special Joint Committee on Child Custody and Access specifically recognized this need to ensure that the perspective of the child is heard in formal and informal forums. As a result, a recommendation was made to have this reflected in each jurisdiction's review of its legislation, procedures and services.

Administration

In an effort to maintain excellence in management and decision-making, the Children's Advocate Office developed a multi-year strategic plan during 2001 that incorporated financial, human resource, information technology, capital and communications planning. The goals, objectives and strategies of the plan are outlined below.

Respect for the Rights and Dignity of Children	a) Increase accessibility to the Children's Advocate Office for children and youth.	i) Enhance awareness of the Children's Advocate Office and improve service delivery.
	b) Create public education opportunities about the Children's Advocate Office for children, government employees, and community members.	i) Clarify the key audience for the priority actions of the Children's Advocate Office and develop communications learning tools dependent on resources and audience. ii) Promote community based advocacy training. iii) Provide public education through age appropriate, rights-based resources and information.
	c) Increase inclusion of First Nations and Metis Nation People in advocacy activities.	i) Actively promote child advocacy and children's rights with First Nations and Metis Nation children, families, and organizations.
	d) Expand advocacy services in northern and far northern Saskatchewan	i) Allocate adequate and appropriate staff and other resources to northern advocacy work.
	e) Conduct thorough, comprehensive reviews of child deaths.	i) Conduct child death reviews in a timely and comprehensive manner. ii) Complete child death reviews in a manner that is consistent with nationally recognized, best practice standards.
Systemic Change to Improve the Interests and Well-Being of Children	a) Identify key systemic issues, Children's Advocate Office actions, and measurable outcomes for each issue.	i) Assess change progress regarding identified systemic issues. ii) Provide opportunities and support for youth adult partnership in the systemic advocacy work of the Children's Advocate Office. iii) Participate in national networks promoting respect for children's rights.
Deliver Quality Services	a) Strategic planning, budgeting and decision-making.	i) Develop an Office Strategic Plan and ensure decisions are based on the strategic goals. ii) Allocate office resources based on Office strategic goals and objectives.
	b) Create and maintain a respectful and fair organizational culture.	i) Ensure that the practices and policies of the Office are consistent with the values and principles of the Children's Advocate Office.
	c) Improve advocacy services through continuous evaluation and assessment.	i) Evaluate advocacy services, programs, community responses, outcomes and future priorities.

Children's Advocate Budget

	2000-2001	2001-2002	2002-2003
Personal Services	671,000	809,000	821,000
Contractual Services	240,523	150,233	153,000
Advertising, Printing & Publishing	34,553	33,203	26,000
Travel & Business	118,850	118,864	107,000
Supplies & Services	10,901	6,700	11,000
Capital Assets	6,550	0	0
Special Warrant	0	44,000	0
TOTAL	$1,082,377	$ 1,162,000	$1,118,000

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	b) Create public education opportunities about the Children's Advocate Office for children, government employees, and community members.	i) Clarify the key audience for the priority actions of the Children's Advocate Office and develop communications/learning tools dependent on resources and audience. ii) Promote community based advocacy training. iii) Provide public education through age appropriate, rights-based resources and information.
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Systemic Change to Improve the Interests and Well-Being of Children	a) Identify key systemic issues, Children's Advocate Office actions, and measurable outcomes for each issue.	i) Assess change/progress regarding identified systemic issues. ii) Provide opportunities and support for youth/adult partnership in the systemic advocacy work of the Children's Advocate Office. iii) Participate in national networks promoting respect for children's rights.
Deliver Quality Services	a) Strategic planning, budgeting and decision-making.	i) Develop an Office Strategic Plan and ensure decisions are based on the strategic goals. ii) Allocate office resources based on Office strategic goals and objectives.
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Advertising, Printing & Publishing	34,553	33,203	26,000
Travel & Business	118,850	118,864	107,000
Supplies & Services	10,901	6,700	11,000
Capital Assets	6,550	0	0
Special Warrant	0	44,000	0
TOTAL	$1,082,377	$ 1,162,000	$1,118,000

Appendix A –

Presentations by the Children's Advocate Office

Conferences, Public Consultations and Annual Meeting

- *Alter-Natives to Non-Violence Youth Gathering*. Federation of Saskatchewan Indian Nations. Blue Mountain Park
- *AWASIS*. Saskatoon
- *CAVERNS: Third Western Canada Symposium on Youth Violence*. Edmonton
- *Dare to Dream - Conference for Youth*. L.P. Miller Comprehensive School. Carrot River
- *Declaration of Child Friendliness Signing Ceremony*. Child Friendly Saskatoon Inc.. Saskatoon
- *Express Yourself*. Saskatchewan Youth in Care and Custody Network. Saskatoon
- *Family Service Canada's National Conference Annual Leadership Award*. Ottawa
- *First Avenue Child Care Media Conference*. Grand Opening (Ribbon Cutting Ceremony). Regina
- *Human Services Resource Fair*. Family Support Centre and Saskatchewan Social Services. Saskatoon
- *Infant Mortality: Data and Strategies for Reduction*. Saskatchewan Institute on Prevention of Handicaps. Saskatoon
- *Investing in a Precious Resource - Our Children Conference*. Regina
- *New North's General Meeting and AGM*. New North - SANC Services Inc.. La Ronge
- *POGO 2002 - Pediatrics, Obstetrics & Gynecology*. College of Nursing. Regina
- *South Bay Youth Conference*. Ile-a-la-Crosse
- *Stop the Sexual Exploitation of Children and Youth*. White Buffalo Youth Lodge. Saskatoon
- *Teddy Bears & Flashlights: Reducing the Complexities for Children & Families*. Memorial University of Newfoundland. St. John's
- *The Commission on First Nations and Metis Peoples and Justice Reform*. Saskatoon
- *The Future Is In Your Hands*. Saskatchewan Deaf & Hard of Hearing Services. Saskatoon
- *Trial Courts of the Future Conference*. Saskatchewan Justice. Regina
- *United Nations Special Session on Children Discussion*. Government House. Regina

Community Groups and Agencies

- Department of Child and Youth Psychiatry. Royal University Hospital. Saskatoon
- Family Service Saskatoon. Community Service Village. Saskatoon
- Family Support Resource Centre. Beauval
- Friendship Centre. Buffalo Narrows
- Living Sky Health District. Lanigan
- Melfort Ministerial Association and North Central Health District. Melfort (public meeting)
- Mental Health Unit. Victoria Hospital. Prince Albert
- North Valley Health District Home. Esterhazy
- Tapwe-Ci Adolescent Group Home. Regina
- Touchwood Qu'Appelle Health District. Fort Qu'Appelle
- Yorkton Catholic School Division. Yorkton
- Youth Justice Forum. Randall Kinship Centre. Regina

Youth

- CRU Teen Wellness Centre (Estey School). Saskatoon
- Exit Routes. Saskatoon
- Gemma House (Salvation Army). Regina
- House of Concord. Regina
- Kenosee Youth Camp. Carlyle
- Nisbet Youth Centre. Prince Albert
- North Battleford Youth Centre. North Battleford
- Orcadia Youth Residence. Yorkton
- Paul Dojack Youth Centre. Regina
- Pikiwek Treatment Group Home. Cote First Nation. Kamsack
- Prince Albert Youth Residence
- Saskatoon Open School. Saskatoon
- White Buffalo Youth Lodge. Saskatoon
- Wicitizon Treatment Group Home. Keeseekoose First Nation. Pelly

Post-Secondary Education Students

- College of Nursing. University of Saskatchewan. Saskatoon
- Faculty of Social Work. University of Regina. Saskatoon
- Saskatchewan Indian Federated College. Saskatoon

Government Departments or Agencies (excluding meetings)

- Directors of Northern Region. Saskatchewan Learning. La Ronge
- Region 1 Education Directors. Weyburn
- Region 2 Education Directors. Swift Current
- Region 3 Education Directors. Regina
- Region 4 Education Directors. Saskatoon
- Region 6 Education Directors. North Battleford
- Regional Office. Saskatchewan Learning. Saskatoon
- Saskatchewan Health. Health Registration and Vital Statistics. Regina
- Saskatchewan Health. Mental Health Services. Regina
- Saskatchewan Justice. Provincial Court House. Prince Albert
- Saskatchewan Legislative Assembly. Internship Program. Regina
- Saskatchewan Social Services. Regional and Service Centre Offices:
  - Buffalo Narrows
  - Fort Qu'Appelle
  - La Loche
  - Melfort
  - Prince Albert
  - Regina

Indian Child and Family Service Agencies

- Battleford Tribal Council Child and Family Services. North Battleford
- Cowessess First Nation. Cowessess
- Fort Qu'Appelle Indian Child and Family Services. Fort Qu'Appelle
- Lac La Ronge Indian Child and Family Services. La Ronge
- Meadow Lake Tribal Council. Meadow Lake
- Regional ICFS Directors. Travelodge Hotel. Saskatoon
- Yorkton Tribal Council Indian Child and Family Services. Yorkton

Staff as at December 2002 (Consisting of the CA and 11.85 FTE's)

Glenda Cooney, Deputy Children's Advocate

John Brand, Director of Advocacy Services
Marcel St. Onge, Advocate
Shaun Soonias, Advocate
Elaine Thomas, Advocate
Rhonda Johannson, Advocate, Intake
Amanda Doucette, Youth Co-ordinator (Contract)

Vanesa Fehr, Advocate, CDR (Term)
Roxane Schury, Advocate, CDR

Sharon Chapman, Director of Communications

Bernie Rodier, Human Resources and Financial Administrator
Sandi Elliott, Administrative Assistant
Penny Fairburn, Administrative Assistant
Caroline Sookocheff, Executive Administrative Assistant

Gordon Mayer, General Counsel (Provincial Ombudsman & Children's Advocate)

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